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In the Matter of the Claim of:

MARIO GOMEZ and AWILDA GOMEZ,

Claimants,

-against-

SLEEPY HOLLOW POLICE DEPARTMENT and Police
Officers known as DETECTIVE QUINOY, ELDRYK
EBEL, MIKE GASKER, LIEUTENANT BARRY CAMPBELL,
LIEUTENANT HAYES, SERGEANT HOOD, CHIEF OF
POLICE JIMMY WARREN and JOHN DOES NO. 1-4
whose names are presently unknown, and THE
VILLAGE OF SLEEPY HOLLOW,

Respondents.

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HELD AT: Young & Bartlett, LLP
81 Main Street
White Plains, New York
March 30, 2007
10:57 a.m.

Deposition of the Claimant,

MARIO GOMEZ, held pursuant to Section 50-h
of the General Municipal Law of the State of
New York, held at the above time and place
before a Notary Public of the State of New
York.

J & L REPORTING SERVICE
of Westchester, Inc.
200 East Post Road
White Plains, New York 10601
(914) 682-1888
Nancy P. Tendy, Reporter

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A P P E A R A N C E S:

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BY: JENNIFER E. SHERVEN, ESQ.

1 M. GOMEZ 271

2 MARIO GOMEZ, residing at 1
3 River Plaza, Apt. 4E,
4 Tarrytown, New York 10591,
5 having been previously duly
6 sworn by Notary Public, Nancy
7 P. Tendy, testified as follows:

8 CONTINUED EXAMINATION

9 BY MS. SHERVEN:

10 Q. Good morning, Mr. Gomez.

11 A. Good morning.

12 Q. My name is Jennifer Sherven.

13 We met previously at the beginning of this
14 50-h Hearing on March 2, 2007?

15 Since then has your address
16 changed at all, or are you still at the same
17 address?

18 A. The same.

19 Q. The same general rules apply.

20 If you do not understand any of my
21 questions, let me know immediately, and then
22 I'll rephrase the question; is that all
23 right?

24 A. Sure.

25 Q. In the past twenty-four hours,

1 M. GOMEZ 272

2 have you taken any prescription medications
3 or over-the-counter medications that could
4 interfere with your ability to testify here,
5 today?

6 A. No.

7 Q. In the last twenty-four hours
8 have you consumed any alcohol or illegal
9 drugs?

10 A. No.

11 Q. Now, the last time we were
12 here, you testified that you do not remember
13 the names of any individuals who told you
14 about Detective Quinoy and your daughter
15 Haydee's relationship; do you recall that?

16 A. Yes.

17 Q. In the approximately one month
18 that has passed, have you had an opportunity
19 to think about the identities of those
20 individuals?

21 A. Yes.

22 Q. Do you now know the names of
23 any of the individuals who told you about
24 Detective Quinoy and your daughter Haydee's
25 relationship?

1 M. GOMEZ 273

2 MS. VOLPER: I'm going to
3 object to the form of that question.
4 Could you please rephrase it.

5 If you could just ask him may
6 be a more specific question.

7 Q. You had testified that there
8 was an incident at a football game I believe
9 in which an individual, a friend of yours
10 told you about Detective Quinoy and Haydee's
11 relationship. Do you recall that testimony?

12 A. Yes.

13 Q. Do you know the name of that
14 person who told you that information at that
15 game?

16 A. Yes.

17 MS. VOLPER: Do you remember?
18 If you remember his name, you can
19 state so.

20 A. Well, yeah, I do remember.

21 Q. Okay. Who was that person?

22 A. You know, I don't see what
23 really that has to do with anything, really,
24 you know. I mean you know the name of the
25 person, you know, what does that have to do

1 M. GOMEZ 274

2 with what happened really.

3 Q. Sir, we're not dealing with a
4 confidential informant or anything of that
5 nature; are we?

6 A. No.

7 Q. Then what is the name of the
8 individual who told you this information at
9 the football game?

10 A. Well, really, you know I would
11 prefer not.

12 MS. VOLPER: If you remember
13 his name, please state his name for
14 the record. If you remember his name
15 first or last name, whatever you
16 remember.

17 A. Yes.

18 Q. Okay. What is this person's
19 name, and your attorney will advise you your
20 failure to answer questions could be deemed
21 noncompliance with the prerequisites of 50-h
22 requiring testimony here, today.

23 A. Well, the name of the person is
24 --

25 MS. VOLPER: -- if you don't

1 M. GOMEZ 275

2 know how to pronounce it, you can
3 just try to --

4 A. Joe.

5 Q. What is Joe's last name?

6 A. Is --

7 MS. VOLPER: -- if you don't
8 know how to spell it, you can
9 pronounce it as best as you can.

10 A. C-O -- something Corletto.

11 Q. Can you pronounce that again;
12 Corletto?

13 A. Yes.

14 Q. Do you know how to spell his
15 last name?

16 A. Not really, no.

17 Q. Can you to the best of your
18 ability spell it, so that the record is
19 clear to make sure that we have the correct
20 person?

21 A. C-O-T-A-R-A-L -- something.
22 I'm not really quite sure.

23 Q. How do you know this person?

24 A. How do I that person?

25 Q. How do you know him.

1 M. GOMEZ 276

2 MS. VOLPER: I'm going to
3 object to that question. You had
4 asked him before about the man at the
5 football game, and he tried to
6 remember what the guy's name was, and
7 that was the answer to his question.

8 Q. How many times have you met Joe
9 Corletto?

10 A. Quite a few times.

11 Q. Do you know where he lives?

12 A. No.

13 Q. What were the circumstances
14 around the quite a few times you met him; in
15 other words, is it at school events, such
16 as, the football game or something else?

17 A. The school events.

18 Q. Do you know this gentleman's
19 telephone number?

20 A. No.

21 Q. I know you testified that you
22 do not know his address. Do you know
23 generally where he resides?

24 A. No.

25 Q. Is it within Sleepy Hollow?

1 M. GOMEZ 277

2 Somewhere else?

3 A. Yes, he's from around Sleepy
4 Hollow.

5 Q. Have you spoken with this
6 gentleman about Detective Quinoy and your
7 daughter Haydee since that football game
8 last fall?

9 THE WITNESS: Do I have to
10 answer that?

11 MS. VOLPER: Yes or no.

12 A. Yes.

13 Q. How many occasions have you
14 spoken with this gentleman about Detective
15 Quinoy and your daughter since that football
16 game?

17 A. I'm not quite sure. I don't
18 know. Couldn't really tell you.

19 Q. What were the circumstances
20 surrounding these additional conversation or
21 conversations with this gentleman?

22 A. Well, he know that I got
23 arrested, and he just wanted to see how I
24 was doing.

25 Q. Do you remember the date of

1 M. GOMEZ 278

2 that specific conversation?

3 A. No.

4 Q. Was that an in-person
5 conversation or a telephone conversation?

6 A. I saw him around town when I
7 was going to the doctor's office.

8 Q. What was the sum and substance
9 of that conversation with this gentleman at
10 the time that you saw him around town?

11 MS. VOLPER: Could you ask a
12 more specific question.

13 Q. What did he say to you?

14 A. Nothing much. How I was doing.
15 He was asking about my headaches, different
16 medication that I was taking for the
17 headaches and things like that. That's it.

18 Q. What did you say to him?

19 A. Nothing much. That I was going
20 to a neurologist, and that's it.

21 Q. At anytime did either of you
22 mention Detective Quinoy?

23 A. No, not that I remember. No.

24 Q. At any point during this
25 conversation did either of you mention your

1 M. GOMEZ 279

2 daughter Haydee?

3 A. No.

4 Q. Other than that conversation,
5 have you had any other conversations whether
6 in person or over the telephone with that
7 gentleman?

8 A. That was pretty much it, what I
9 tell you.

10 Q. Do you know where this
11 gentleman is employed?

12 THE WITNESS: Do I have to
13 answer that?

14 MS. VOLPER: If you remember.
15 If you remember, you can answer the
16 question, yes, no, or you don't
17 remember.

18 A. Can I say that I don't
19 remember.

20 Q. Only if it's the truth?

21 MS. VOLPER: You need to answer
22 the question. If you know, then
23 state so. If you don't know, then
24 you don't know.

25 A. Okay, well, he's a Sleepy

1 M. GOMEZ 280

2 Hollow police officer.

3 Q. How long has he been a Sleepy
4 Hollow police officer?

5 A. I have no idea.

6 Q. Was he a Sleepy Hollow police
7 officer on October 17, 2006?

8 A. Yes.

9 Q. As far as you know is he
10 currently a Sleepy Hollow police officer?

11 MS. VOLPER: If you know?

12 A. He is, but I just have a
13 question. What does this have to do with I
14 mean -- what this have to do with the
15 incident really.

16 Q. Sir, you're not allowed to ask
17 questions, other than to ask me to rephrase
18 a question if you do not understand a
19 question.

20 A. Okay. I got you.

21 Q. Do you know if this gentleman
22 was on duty as a Sleepy Hollow Department
23 police officer on the day that you were
24 arrested?

25 A. No. He was not on duty.

1 M. GOMEZ 281

2 Q. You testified the last time we
3 were here that another one of your friends
4 had called you on the telephone to inform
5 you --

6 MS. VOLPER: -- I'm going to
7 object to the form of that. He never
8 said that it was his friend.
9 Rephrase, please.

10 Q. You testified the last time we
11 were here that an individual called you on
12 the telephone to inform you about the
13 relationship between Detective Quinoy and
14 your daughter. Do you recall that
15 testimony?

16 A. No, not really, no.

17 Q. Do you recall receiving a
18 telephone call from any individual who told
19 you about your daughter and Detective
20 Quinoy's relationship?

21 MS. VOLPER: Do you remember?

22 A. No, I don't remember.

23 Q. At this point in time, you have
24 no recollection of receiving a phone call
25 from any individual about Detective Quinoy

1 M. GOMEZ 282

2 and Haydee?

3 A. Well, are you talking about the
4 phone call, the phone call that I had said
5 previously?

6 Q. That's correct. That's what I
7 was asking you about. That's why I said
8 from what you testified from the last time.
9 Do you recall you testifying about a phone
10 call?

11 A. Yes, I did.

12 Q. Do you now know the name of the
13 person who called you?

14 MS. VOLPER: If you remember,
15 to the best of your ability.

16 A. No. I just don't remember
17 that.

18 Q. That wasn't Joe Corletto?

19 MS. VOLPER: It's either, yes,
20 no, you're not sure, you don't
21 remember.

22 A. I'm not sure.

23 Q. To your knowledge, was that
24 phone call from any member of the Sleepy
25 Hollow Police Department?

1 M. GOMEZ 283

2 A. Well, I'm not sure if it was.
3 I'm not sure you know, really.

4 Q. Have you ever spent any time
5 with Joe Corletto socially other than at
6 school events?

7 A. Yes.

8 Q. On approximately how many
9 occasions have you spent time with him at
10 social events other than school events?

11 A. A few times.

12 Q. When is the most recent time
13 that you saw him?

14 A. I don't know, about a couple of
15 weeks ago.

16 Q. What were the circumstances
17 under seeing Joe Corletto a couple of weeks
18 ago?

19 A. I was just driving around going
20 to one of my appointments, and I just ran
21 into him.

22 Q. At that time that you ran into
23 him a couple of weeks ago, did you speak
24 about your arrest or any circumstances
25 surrounding this case?

1 M. GOMEZ 284

2 A. No.

3 Q. Other than Mr. Corletto and the
4 telephone call that you received that you do
5 not remember the identity of the person who
6 called, did you receive any other phone
7 calls or have any other conversations with
8 anyone about Detective Quinoy and Haydee's
9 relationship before October 17th of 2006?

10 A. No.

11 Q. Do you know where Joe Corletto
12 learned the information that he told you at
13 the football game?

14 MS. VOLPER: You need a verbal
15 response.

16 A. Yes. Sorry about that. No,
17 quite a few other people knew in town about
18 that information, even Lieutenant Barry.

19 Q. When you say Lieutenant Barry
20 you're referring to Lieutenant Campbell?

21 A. Yes.

22 Q. Lieutenant Barry Campbell?

23 A. Yes, because the day they were
24 transporting me to the county jail, the same
25 morning he came to see me. He asked me what

1 M. GOMEZ 285

2 happened, and I told him what happened.

3 He said, well, I saw them
4 together in a bar, and they looked so
5 innocent. So they had seen Detective Quinoy
6 with my daughter in the bars together. Even
7 by that statement Lieutenant Barry
8 Campbell's testifying and is saying to me --
9 not testifying, but I mean he's stating to
10 me that he saw the witnesses, all the
11 people, and quite a few other people around
12 town that knew what was going on.

13 Q. Now, specifically about
14 Lieutenant Campbell, is he the individual
15 you say spoke to you the morning after your
16 arrest or in transport?

17 A. Yes. He came in on duty that
18 morning.

19 Q. What specifically did
20 Lieutenant Campbell say to you?

21 A. He was asking me about what
22 happened. As I stated before in the
23 previous 50-h Hearing I know Lieutenant
24 Campbell from back in the '80's. We used to
25 lift weights together and when he came from

1 M. GOMEZ 286

2 White Plains. I knew a lot of people in
3 town. Even Jimmy Warren went to high school
4 with me.

5 Q. And you're referring to the
6 chief?

7 A. The chief, yes.

8 Q. During that conversation that
9 you had with Lieutenant Campbell, did
10 Lieutenant Campbell read you your Miranda
11 Rights?

12 A. Nobody read me my Miranda
13 Rights, not Detective Quinoy, not Officer
14 Michael Gasker, not Sergeant Paul Hood, not
15 even Lieutenant Gary Hayes. He was on duty
16 that morning, Sergeant Paul Hood.

17 Q. At any point in time after your
18 arrest, did anyone read your Miranda Rights
19 or inform you of your rights?

20 A. No. Well, no, not definitely
21 not. Not that I recall, no.

22 Q. As a corrections officer,
23 though, you are familiar with your Miranda
24 Rights?

25 A. Oh, yes, of course, yes.

1 M. GOMEZ 287

2 Q. At any point in time from the
3 time you were arrested until the morning
4 when you spoke with Lieutenant Campbell, did
5 any police officer question you other than
6 just ask you the booking questions, such as,
7 your name and address?

8 A. I guess that's the booking
9 questions Officer Michael Gasker came in
10 about 4:30, around 4:30, 5:00 o'clock in the
11 morning, and I was still in a metal bench.
12 And I was still sitting in the room with the
13 book people in, where they get the prints,
14 and he asked me other questions there.

15 Q. What types of the questions did
16 Officer Gasker ask you?

17 A. Basically, you know, I was
18 hurting. I was pretty much -- I was
19 completely beat up, and I was under the
20 affects of already the different shots they
21 gave me in the hospital so.

22 MS. SHERVEN: Move to strike
23 the portion that's nonresponsive.

24 Q. Answer the question that I'm
25 asking you. I was asking you what questions

1 M. GOMEZ 288

2 Officer Gasker was asking you?

3 A. Basically, my name, if I've
4 ever been arrested, if I have a tattoo,
5 different questions like this. That if I
6 feel bad about the incident that happened.
7 I said, of course, I feel bad, definitely.
8 I feel bad about everything.

9 Q. Did Officer Gasker ask you any
10 details about what had occurred or for your
11 statement?

12 A. No. Just basic information of
13 I.D. information.

14 Q. Now, you testified just a
15 couple of minutes ago that the next morning
16 Lieutenant Campbell came to the cell; is
17 that correct?

18 A. Yes.

19 Q. Did Lieutenant Campbell inform
20 you at anytime of your Miranda Rights at
21 that time?

22 A. No. And I spoke also with
23 Detective Chuck Zekus. He's the one that
24 print me in the morning, when he came in and
25 Louie.

1 M. GOMEZ 289

2 Q. When you say you spoke with
3 Detective Zekus, what specifically are you
4 referring to.

5 A. Well, I know Zekus for years,
6 and I know his family, and I went to high
7 school with his sister. So, he asked me
8 what happened, and I give him a basic short
9 information as to the incident to what
10 happened, you know.

11 Q. What did you tell him?

12 A. It was a short brief
13 description of the incident.

14 Q. Okay. Can you describe,
15 though, for me what you said to him to the
16 best of your recollection?

17 A. I told him that I find out that
18 Detective Quinoy was going out with my
19 daughter to bars, restaurants, and then
20 Detective Quinoy had called me, and how that
21 it was a very short, a brief discussion
22 because he was booking me and questioning
23 me. And he calls me Arnold, because that's
24 my middle name. That's what they used to
25 call me when I was little, you know.

1 M. GOMEZ 290

2 And I said that I told him the
3 conversation got heated up, and he told me
4 that if I got fucking balls -- excuse my
5 language -- to come down and see him in the
6 station, which I did.

7 And then he told me, Arnold,
8 why did you do that? Why did you do that,
9 you know. That was basically it, you know.

10 Q. What did you tell Detective
11 Zekus when he was saying why did you do
12 that?

13 A. You know, I don't know. I just
14 couldn't find the words to answer. You
15 know, it was just hard to describe the whole
16 situation, you know. I don't know.

17 MS. VOLPER: Could I interrupt
18 for a second. Does anybody know how
19 to spell Zekus?

20 THE WITNESS: Z-E-K-U-S. I
21 know him by Chuck, but I know that's
22 not his first name, you know. I
23 completely forgot his first name.

24 MS. VOLPER: Okay.

25 Q. So, from what you just

1 M. GOMEZ 291

2 testified to when he asked you, when
3 Detective Zekus asked you why you did that,
4 why you went down to the precinct, you did
5 not answer him; is that correct?

6 A. I don't know exactly, you know.
7 Remember, I was still on the medication.
8 I'm trying to remember the best of my
9 ability. You know I got about three
10 different shots.

11 MS. VOLPER: If you don't
12 remember, you don't remember. That's
13 your answer.

14 A. Yeah, and I know I answered
15 probably something else. I just don't
16 remember.

17 Q. Did this conversation with
18 Detective Zekus take place before or after
19 you went through the booking process with
20 Officer Gasker?

21 A. No. That was after in the
22 morning when he came in.

23 Q. And when did the conversation
24 you had with Lieutenant Campbell take place
25 in relation to that?

1 M. GOMEZ 292

2 A. Also in the morning when the
3 morning shift came in, the 7:00 to 3:00
4 shift I think.

5 Q. Is it fair to say that you
6 spoke to Lieutenant Campbell after you were
7 fingerprinted by Detective Zekus, or is it
8 close in time?

9 A. Close in time. I don't
10 remember exactly if it was after or before.
11 You know, basically around the same time.

12 Q. When Lieutenant Campbell came
13 to the cell to speak with you, what did he
14 say to you?

15 A. Well, he basically he asked me,
16 hey, what happened. You know, what he
17 wanted to know what happened. And I said I
18 gave him -- I got into a problem with Jose
19 Quinoy, and you know regarding Haydee, and
20 he called me at my house, and he called my
21 cell.

22 And the situation, the
23 conversation got heated up a little bit, and
24 he told me to come down and meet him in the
25 station.

1 M. GOMEZ 293

2 Q. Did you tell Lieutenant
3 Campbell anything else as to what had
4 transpired when you got to the station?

5 A. I told him Lieutenant Campbell
6 that I didn't expect that from Detective
7 Quinoy. That he was my neighbor. He knew
8 my daughter since she was basically ten. He
9 was a personal friend of mine.

10 Q. Did you tell Lieutenant
11 Campbell what happened when you arrived at
12 the police station?

13 A. Not really. He saw the way I
14 was I mean.

15 MS. SHERVEN: Move to strike
16 the answer as nonresponsive.

17 A. He saw how beat up I was, and
18 my head looked like an NFL football helmet.

19 MS. SHERVEN: Move to strike
20 the answer as nonresponsive.

21 Q. Sir, at anytime did you tell
22 Lieutenant Campbell --

23 A. -- well, that was my answer.

24 Q. At any point in time did you
25 tell Lieutenant Campbell what happened after

1 M. GOMEZ 294

2 you arrived at the police station?

3 A. I don't exactly remember. I
4 know that he pretty much he knows, and he
5 just came in for a short brief thing, mainly
6 it was regarding as to what lead to that as
7 to with Haydee. And then he told me he saw
8 them together in a bar a few times, but they
9 looked so innocent together.

10 Q. Did Lieutenant Campbell tell
11 you approximately how many times he saw your
12 daughter and Detective Quinoy at the bar?

13 A. No.

14 Q. But he said a few times?

15 A. A few times or I saw them
16 together, or I don't exactly remember either
17 a few times or I saw them together or a few
18 times.

19 Q. But he told you that?

20 A. Yes, he did. Oh, I'm sorry.

21 Q. That's all right. Just listen
22 to my question. But Lieutenant Campbell
23 told you that the relationship between
24 Detective Quinoy and your daughter looked
25 innocent?

1 M. GOMEZ 295

2 A. Yes, it did. They look so
3 innocent together. That's exactly what he
4 tell me.

5 Q. Other than this conversation
6 with Lieutenant Campbell, have you had any
7 other conversations either before October
8 17, 2006, or after regarding Detective
9 Quinoy and your daughter?

10 A. With Lieutenant Campbell you're
11 talking about?

12 Q. With Lieutenant Campbell, any
13 other conversations?

14 A. No, no conversations before
15 that.

16 Q. Now, to your knowledge, did
17 Lieutenant Campbell come to speak with you
18 the morning after you were arrested in his
19 official capacity or as a friend of yours?

20 A. I don't know. That's hard for
21 me to say. I couldn't really tell if it was
22 -- he was in uniform. He was on duty. I
23 guess I would have to say that it's in his
24 official capacity, you know.

25 Q. But that's based solely on the

1 M. GOMEZ 296

2 fact that you saw him in uniform?

3 A. Exactly.

4 Q. You've seen him in uniform,
5 though, many times other than this?

6 A. Oh, yes.

7 Q. Did Lieutenant Campbell ask you
8 to sign anything or give any formal
9 statements?

10 A. No. Well, he told me I'll be
11 back, and I never saw him again. I was
12 transported to the County.

13 Q. I believe you had testified the
14 last time you were here about Lieutenant
15 Campbell did attempt to speak to you at
16 another point in time regarding this
17 incident, but that your attorney, your
18 criminal attorney advised you not to speak
19 with him; is that correct?

20 A. Oh, yes, but that was after I
21 was released from jail, the first day in
22 court back on the 24th of October I was
23 released but geez, I forgot her name, the
24 Sleepy Hollow judge. I was released, and I
25 paid the bail, and she ordered to release my

1 M. GOMEZ 297

2 car also. They wanted to keep my car as
3 evidence.

4 And then after that when I was
5 on my way out with my attorney, also, and
6 Janet Gandolfo, he approached me. He said,
7 I want your phone number and your address
8 and I want your wife's cell number, and I
9 want your cell number, because I want to
10 start my investigation at that point. After
11 I got released, and I was on my way home.

12 Q. I believe from what you
13 testified previously that you did not speak
14 with him about this incident at that point
15 in time or after?

16 A. No. My attorney told me and my
17 wife's attorney Janet Gandolfo that he told
18 him, no. You don't have to say anything to
19 him now unless we press it. He kept calling
20 the house and quite a few other times.

21 Q. How many times approximately
22 did Lieutenant Campbell call?

23 A. Well, he left a couple of
24 messages in the machine that he wanted to
25 start the investigation. And then the next

1 M. GOMEZ 298

2 court date Ms.-- the attorney Janet Gandolfo
3 made a motion -- I mean a request to the
4 judge that I shouldn't be, you know, called
5 and harassed by -- you know, my wife and I
6 we were under criminal charges, and I
7 shouldn't even be called. That anything
8 they have to be say that have to be by my
9 attorney through them. That's what I meant
10 to say.

11 Q. Just so the record is clear,
12 Janet Gandolfo is your wife's criminal
13 attorney?

14 A. Yes.

15 Q. After that return date in
16 Court, did Lieutenant Campbell's telephone
17 calls cease?

18 A. Yes. Yes.

19 Q. After you were arrested, did
20 anyone else other than Lieutenant Campbell
21 or the individuals you had mentioned
22 previously, Joe Corletto, or the person who
23 called you on the telephone whose name you
24 do not recall, did anyone else speak to you
25 about Detective Quinoy and Haydee's

1 M. GOMEZ 299

2 relationship?

3 A. No.

4 MS. SHERVEN: Actually, why
5 don't we just take a short break.

6 (Whereupon, a recess was
7 taken.)

8 Q. At any point in time after you
9 were arrested, did you request medical
10 treatment?

11 A. Yes.

12 Q. When was that that you
13 requested medical treatment?

14 A. Well, you know the situation
15 was chaotic in there. Everybody was going
16 crazy, and I was -- you know, it was a big
17 commotion inside that station house, and I
18 don't exactly remember when. And the
19 ambulance from Sleepy Hollow arrived, and
20 the ambulance from Mount Pleasant was there
21 also.

22 I don't think I requested it.
23 You know, I was in the state in the way that
24 I was, they said you have to go to the
25 hospital.

1 M. GOMEZ 300

2 Q. Who was that that told you?

3 A. The two ambulance, the person
4 who gave me treatment from Sleepy Hollow and
5 also the lady that came from Mount Pleasant.

6 Q. You're referring to those
7 individuals, those are EMS workers as far as
8 you know?

9 A. Yes.

10 Q. Do you know who called the
11 ambulance?

12 A. No.

13 Q. But as far as you recall, you
14 didn't specifically request an ambulance?

15 A. No. No. No. I just well --

16 Q. Now, you testified the last
17 time we were here that you received, that
18 you were tasered as a result of this
19 incident, correct?

20 A. Yes.

21 Q. Can you describe the sensation
22 that you felt when you were tasered?

23 A. It was paralyzing completely.
24 Especially, the one in the neck that I
25 received it was. And then the one in the

1 M. GOMEZ 301

2 spine -- then the two worse was the one in
3 the head. And when they held it, I even
4 heard my hair frying. When your hair's
5 burning. And then the one in my spine, I
6 felt my spine actually vibrating in the
7 lower back.

8 In the head, I feel like my
9 brain I felt like my brain it was completely
10 bouncing inside.

11 Q. At what point in time was it
12 that you experienced what you've described
13 the taser to the head; was that before or
14 after you were handcuffed while on the
15 ground?

16 A. The taser to the head I think
17 it was -- I did get tasered quite a bit
18 before I was handcuffed neck, head, and
19 maybe in the head. I don't know. It was so
20 much that I just completely lost track, but
21 I would say ninety percent of the taser in
22 the head was after I was cuffed already.

23 Q. And the taser that you
24 specifically remember which you had just
25 testified to, do you remember if that was

1 M. GOMEZ 302

2 before or after you were handcuffed?

3 A. I remember the first one, it
4 was in the neck right below, almost very
5 close to the head area, and that was the
6 first one.

7 Q. That was when you were
8 standing, correct?

9 A. Yes. When the whole thing
10 started and after that, we fell. Detective
11 Quinoy and I, we fell to the ground. And I
12 started getting tasered and kick in the rib.
13 Well, you didn't ask about the kicking, but
14 you're referring to the taser.

15 And mainly the one that I
16 remember the most that hurt me that was the
17 one that I was just laying on the ground.
18 And the ground was wet. Remember that. It
19 was raining, so.

20 Q. That time that you specifically
21 remember, though, was that before or after
22 you were cuffed; if you remember?

23 A. No. It was after I was cuffed.
24 Yes, I was already cuffed.

25 Q. Now, the other taser that you

1 M. GOMEZ 303

2 just testified to that you said was one of
3 the worst to your spine, was that before or
4 after you were cuffed?

5 A. After I was cuffed already,
6 yes.

7 Q. Do you know the identity of the
8 person who tasered you on either of those
9 that you described?

10 A. Well, I know definitely I saw
11 that I know that Officer Gasker tasered me
12 because he was there waiting for me with
13 Officer Quinoy when I arrived.

14 Q. Listen closely to my question,
15 though, because I'm not asking you who in
16 general was using the tasers as to what you
17 described. But do you know which officer
18 specifically used the taser that you
19 described to your head after you were
20 cuffed?

21 A. I saw Officer Ebel. I forgot
22 his name, Eldryk. I don't know if I'm
23 pronouncing it right, Ebel.

24 Q. Do you know the identity of the
25 person who used the taser on your spine in

1 M. GOMEZ 304

2 the manner that you described?

3 A. I have no idea. I couldn't see
4 him back there. I was -- you know.

5 Q. Can you describe more
6 specifically where on your spine?

7 A. Lower, almost, well, very low,
8 not really into the part that you have that
9 geez, what's the name of the little bone all
10 the way on the bottom, but a little more up.

11 MS. VOLPER: Are you referring
12 to your tailbone?

13 A. Yes. Not in the tailbone.
14 Yes, thank you. I would say about four or
15 five, six inches up from the tailbone, but
16 right in the middle of the spine. And then
17 also I got tasered on different locations on
18 my back, which I still have the marks there.
19 But the one in the spine, that's the one
20 that hurt the most, you know.

21 Q. Do you know why that taser that
22 you just described hurt the most?

23 A. I have no idea. I guess that's
24 the location that it was and, you know, it's
25 a sensitive spot. I don't know.

1 M. GOMEZ 305

2 Q. Other than those two tasers
3 that you described as being the worst, did
4 the other tasers that you mentioned, was the
5 sensation essentially the same for those?

6 A. Well, when you get tasered on a
7 part like let's say like the shoulder, the
8 back, or any other area, it paralyzes you
9 completely. But when you get tasered on the
10 head, you feel like the inside of your head
11 is going to explode, and that's what I felt
12 when they put it in my -- I'm getting all
13 confused.

14 MS. VOLPER: You're pointing to
15 your temple?

16 A. Yes. In my temple, in my left
17 side here, and then they tasered me.

18 MS. VOLPER: Plaintiff is
19 pointing to the back of his head. He
20 pointed to his temple, and he pointed
21 to the area right above the eye.

22 A. The ones in the head, I would
23 say they were the worst of all, and even
24 worse than the spine.

25 Q. Other than those tasers,

1 M. GOMEZ 306

2 though, that you're describing, did the
3 other tasers that you testified that you
4 received feel similar to each other?

5 A. Well, they all feel very bad,
6 you know. I think they can bring down a
7 horse, but I was saying that the one in the
8 different parts of the back is not even
9 close to the one on your head when you feel
10 that brain moving around inside your head,
11 that's a different story.

12 Q. Have you yourself ever used a
13 taser on anyone in your official capacity as
14 a corrections officer?

15 A. Yes. We started using that
16 back in the early '90's.

17 Q. Can you approximate for me on
18 how many occasions during the course of
19 career you used a taser on a prisoner?

20 A. You know it had to be a pretty
21 bad riot situation or an assault on an
22 officer or, you know, something very, you
23 know, very -- had to be very -- and it was
24 directive by the department you couldn't use
25 it in the genital area or from the neck up.

1 M. GOMEZ 307

2 It was off limits.

3 Q. Can you approximate, though,
4 for me, the number of times that you used a
5 taser?

6 MS. VOLPER: I'm going to
7 object to that as being irrelevant,
8 but go ahead and answer.

9 A. Well, two, three, four times.
10 You're not allowed to use a taser unless --
11 you don't even carry it. You just carry an
12 alarm, mace, you do carry a mace. But you
13 don't carry a taser unless it's absolutely
14 emergency, an alarm situation, and then they
15 bring it from the control room.

16 Q. Are all tasers essentially the
17 same or are there different --

18 A. -- different power.

19 MS. VOLPER: I'm going to
20 object to that question. You're
21 asking him for specific technical
22 information. You may answer only if
23 you know.

24 Q. Do you know are all tasers the
25 same, or are there different powers or means

1 M. GOMEZ 308

2 of tasing?

3 A. They have different powers. I
4 guess every department use a different one,
5 you know, and some could be more lethal than
6 others.

7 Q. Do you know the type of taser
8 that you believed the officers used on
9 October 17, 2006?

10 A. I couldn't remember. I have it
11 at home, but I don't have -- I don't
12 remember it by offhand the numbers or the
13 name of it, you know.

14 Q. What do you have at home that
15 would refresh your recollection as to what
16 the means of the taser was?

17 A. Just basically research and
18 Internet. That's basically it.

19 Q. In order to use a taser does
20 one need to remove a safety or something of
21 that nature?

22 A. There is the buttons, you know,
23 but the one that they used they didn't use
24 the one that shoots out. And it's like a
25 screening that the screen gets you. It's

1 M. GOMEZ 309

2 almost like a net that shoots out, and I'm
3 not sure if they used that type of taser
4 with me. But I know the one that they used
5 the one they applied in my head and my spine
6 it was actually the one that you have to
7 actually apply to the person and push it
8 into the person's skin or the part of the
9 body that you want to taser, you know.

10 Q. Is that type of taser that
11 you're describing activated solely by
12 placing it against someone's skin, or does
13 one need to press some type of button or
14 some other?

15 A. You got to press a button, of
16 course.

17 Q. If one does not press the
18 taser, does the taser function, or what is
19 the result if the button is not pushed?

20 A. I'm not really, I couldn't
21 really answer you, unless you have a Sleepy
22 Hollow police officer present, because the
23 one that I use in my department, it might be
24 completely different. I'm talking about
25 six, seven years ago when I was in there.

1 M. GOMEZ 310

2 The one that they used back then is probably
3 obsolete now.

4 Q. Is it fair to say you're not
5 sure whether you would need to press the
6 button or lever in order to have the taser
7 to function properly?

8 A. The one that I'm aware you have
9 to press a button. You know you're giving
10 the electricity.

11 Q. Now, you testified last time
12 that the Tarrytown Police responded?

13 A. Yes.

14 Q. How many police cars responded
15 if you recall?

16 A. I'm not sure three, four patrol
17 cars.

18 Q. Do you know how the Tarrytown
19 Police came to come to Sleepy Hollow?

20 A. No, but thank God for them that
21 they arrived. They saved my life.

22 MS. SHERVEN: Move to strike
23 the portion that's not responsive.

24 Q. Do you know the identity of any
25 of those Tarrytown police officers?

1 M. GOMEZ 311

2 A. No.

3 Q. At any point in time did you
4 know any of their identities?

5 A. No. I was passed out on the
6 floor. I just couldn't. I knew they were
7 there but -- there were a lot of patrol cars
8 there, Sleepy Hollow and Tarrytown.

9 Q. Can you approximate for me the
10 number of Sleepy Hollow or Tarrytown Police
11 cars that were there?

12 A. I don't know. I would say the
13 whole shift, the whole 4:00 to 12:00 shift
14 from Sleepy Hollow had to be present by the
15 time the incident stopped. Everybody was
16 there in that location. All the officers
17 assigned to that specific tour was there.

18 And I would say, I don't know maybe
19 three, four, five from Tarrytown responded.
20 Two -- I know there was from what I heard it
21 was more than three, three or four. I'm not
22 sure.

23 Q. When you're saying three or
24 four or five from Tarrytown, are you
25 referring to police vehicles or officers?

1 M. GOMEZ 312

2 A. I would say the officers.
3 Maybe, six officers, seven officers. I'm
4 not quite sure.

5 Q. Okay, just so we're clear, is
6 it your testimony that there were six or
7 seven Tarrytown police officers at the
8 scene?

9 A. I know there were more than
10 three or four police officers. I'm not
11 exactly from Tarrytown, from Tarrytown
12 Police Department, and I'm not exactly sure
13 as to how many. It was a sergeant there
14 from Tarrytown Police.

15 Q. How do you know there was a
16 sergeant there?

17 A. I don't know. I got a thousand
18 calls after the incident, and people all
19 kinds of witnesses there, all kinds of
20 people already see, oh, sergeant -- and
21 sergeant, -- which I can't remember his
22 name, but he pulled Detective Quinoy off of
23 me and told him, it's enough.

24 MS. VOLPER: So, is it your
25 testimony that somebody told you a

1 M. GOMEZ 313

2 sergeant was there.

3 THE WITNESS: Yes.

4 Q. Who was the person that told
5 you that a sergeant was there?

6 A. I don't remember. I don't
7 know. You know, I received a thousand calls
8 from different friends, from Sleepy Hollow,
9 and you know everybody wanted to know what
10 happened and things like that, you know.

11 Q. Any of those phone calls that
12 you received after the incident did any of
13 those people have personal knowledge as to
14 what had happened?

15 A. As witnesses that seen what
16 happened?

17 Q. Anybody with personal
18 knowledge, whether they were witnesses who
19 saw something or any other way that they
20 would have personal knowledge, not that they
21 were told something from someone else?

22 A. Well, yeah, there was quite a
23 lot of people that told me that they were
24 there.

25 Q. Okay.

1 M. GOMEZ 314

2 A. By the time, the incident
3 started, the incident went on for almost
4 twenty, twenty-five minutes, thirty minutes.
5 You know, for quite a while you know.

6 Q. Who told you that they were
7 there?

8 A. Who?

9 Q. You said that there were quite
10 a few people that told you that they were
11 there. Who are you referring to?

12 A. No. I saw I was passed out,
13 but when I picked me up and I still was able
14 to walk a little bit, I saw the Tarrytown
15 Police there. Also, I saw them personally,
16 and my wife was there, also.

17 And honestly, I can't tell who,
18 you know. I had a call from so many people
19 in town, that you probably we would have to
20 spend a half an hour writing names down in
21 this.

22 MS. VOLPER: Let me say
23 something here. She asked you about
24 who called you, and if they had
25 personal knowledge of the incident.

1 M. GOMEZ 315

2 Are you stating that there were
3 mostly police officers there, or that
4 there were other just citizens there
5 who saw things and saw you.

6 THE WITNESS: No, citizens
7 citizens, sorry. I didn't understand
8 the question. Are you were referring
9 to all the police officers that
10 called me?

11 MS. VOLPER: Maybe you can ask
12 some specific questions to clarify
13 this.

14 Q. You testified that you received
15 many phone calls --

16 A. Right.

17 Q. -- after this incident,
18 correct?

19 A. Yes.

20 Q. Of those phone calls, did
21 anyone who called you, whether they were
22 police officers or a regular citizen, did
23 any of them say that they saw what had
24 happened?

25 MS. VOLPER: That's what she

1 M. GOMEZ 316

2 means by personal knowledge. Were
3 they there physically seeing the
4 assault?

5 MS. SHERVEN: Move to strike.

6 A. Yeah, I understand the
7 question. I was just thinking.

8 MS. VOLPER: If you don't
9 remember, you don't remember.

10 A. No, I don't remember.

11 Q. Do you know the identity of
12 anyone, any private citizens who may have
13 seen what happened?

14 A. Yes.

15 Q. Okay. Who are those people who
16 may have seen what had happened or who told
17 you that they saw something?

18 A. No. They haven't told me, but
19 I know that they were there. The majority,
20 all the fire department which is right next
21 to it, they were there.

22 Q. Did any private citizen tell
23 you that they saw what happened?

24 A. I don't remember that right
25 now. It's been a while. No.

1 M. GOMEZ 317

2 Q. Other than the police officers
3 that you testified that you saw, did you see
4 anyone else who may have seen what had
5 happened; in other words, the fire
6 department that you mentioned?

7 A. I know that the Assistant Fire
8 Chief Danny Hayes was there and he was.

9 Q. Anyone else?

10 A. No, that's about it. I mean
11 the whole fire department shift that night
12 saw what happened. They were there, you
13 know.

14 Q. How do you know that the whole
15 fire department shift saw what happened?
16 Like, what leads you to believe that?

17 A. I shouldn't say that, you know.
18 I was just assuming because everybody is
19 usually there till late at night, so.

20 MS. VOLPER: So, is it your
21 testimony that the fire department
22 came, and when you say the whole
23 shift came, you just meant the fire
24 department was there?

25 THE WITNESS: Right, the people

1 M. GOMEZ 318

2 that are usually there at nighttime.

3 Q. Is that because they were
4 called to the scene, or is that because the
5 fire department is close in proximity to the
6 police department?

7 A. No. No. Right next to it,
8 right next to the police department, yes.

9 Q. As far as you know were any
10 members of the fire department called to the
11 scene in an official capacity?

12 A. Geez, I know that Jimmy Hayes,
13 he's the one -- I think he's a fireman, yes.
14 But he's the one that responded as an EMS,
15 and when the EMS phoned the Sleepy Hollow
16 Village.

17 Q. And he's a member of the fire
18 department?

19 A. Yes, I believe so, yes, and
20 he's also -- I don't know what position he
21 has. I forgot the name of the position in
22 the Emergency Response Unit with the EMS
23 with Sleepy Hollow.

24 Q. Based on what you testified to
25 before, though is, it fair to say that he

1 M. GOMEZ 319

2 did not arrive until after you were under
3 arrest and the Tarrytown Police responded?

4 A. I don't know.

5 Q. But the ambulance arrived at
6 some point in time after the Tarrytown
7 Police, correct?

8 A. I believe that before they even
9 transported me out and drove me around, that
10 there were already ambulance and they were
11 already Tarrytown patrol cars and Sleepy
12 Hollow's. They were there already. I was
13 still on the streets.

14 Q. Now, you testified earlier that
15 there was a Tarrytown Police officer who
16 spoke to Detective Quinoy; is that correct?

17 A. Yes.

18 Q. Do you know the identity of
19 that Tarrytown Police officer?

20 A. It was a sergeant.

21 Q. How do you know that; is that
22 because of something you saw or something
23 you learned after the fact?

24 A. I basically I pretty much look
25 up, and I saw, you know, you know, I was

1 M. GOMEZ 320

2 kind of blank, so, and --

3 Q. How did you know that that
4 person was a sergeant; is it based on his
5 uniform or is it?

6 A. Oh, on the uniform, of course,
7 yes.

8 Q. But did you know that
9 individual yourself, whether even if you
10 didn't know his name, that you had seen him
11 and knew he was a sergeant?

12 A. As a friend personally, no, no.

13 Q. But you recognized from the
14 uniform that he was a police sergeant from
15 Tarrytown?

16 A. Yes.

17 Q. What exactly did you see
18 transpire between this Tarrytown Police
19 Sergeant and Detective Quinoy?

20 A. What I saw was very briefly,
21 you know, so. It was quite a lot of people
22 around me and moving here and pushing
23 around.

24 MS. VOLPER: Do you recall what
25 you saw, if anything?

1 M. GOMEZ 321

2 A. No.

3 Q. Earlier you testified I believe
4 that a member of the Tarrytown Police
5 Department pulled Detective Quinoy off of
6 you. Do you recall saying that?

7 A. Yes, I did.

8 Q. Do you know who that person
9 was? Was that the sergeant, or is that
10 someone else?

11 A. That was the sergeant.

12 Q. Did you, yourself, see that
13 occur?

14 A. No. I didn't see that.

15 Q. How do you know that that's
16 what happened?

17 A. Well, I know that I saw them
18 talking, and I saw them. And after the
19 point that I saw them talking, the sergeant,
20 the Tarrytown Police. There was quite a few
21 other officers well, the whole shift from
22 Sleepy Hollow was there, and they picked me
23 up.

24 Q. Who picked you up?

25 A. The officers, how they helped

1 M. GOMEZ 322

2 me up, and I think it was Delasandra,
3 Richard Delasandra. I don't know if I'm
4 pronouncing it right.

5 MS. VOLPER: Delasandra?

6 THE WITNESS: Delasandra, yes,
7 thank you.

8 A. So, when they put me in that,
9 they moved me in. And my wife was still
10 running around, I heard her voice in the
11 background. So, it was a whole big
12 commotion. So they put me in the back of a
13 patrol car of Sleepy Hollow.

14 So, Richard, Officer Delasandra
15 was here, the Tarrytown Police was here.
16 So, Detective Quinoy was on the other side
17 across the street, and he started -- I was
18 already cuffed, sitting on the patrol car in
19 the back seat, and Richard Delasandra had
20 the door was opened. Officer Delasandra was
21 here.

22 Detective Quinoy started
23 approaching the car as to giving Officer
24 Delasandra instructions on what to do, and
25 Detective Quinoy approach there. He

1 M. GOMEZ 323

2 approach the car. He took the opportunity,
3 the door was opened, and he kicked me in my
4 face one more last time, which completely
5 knocked me out in the back seat.

6 Q. Who did that?

7 A. Detective Quinoy as I was
8 already cuffed inside the patrol car.

9 Q. What portion of your body did
10 he kick you?

11 A. In the face in the right part
12 of the temple, here.

13 Q. What happened after that?

14 A. After that, I was oh, geez, I
15 never expected it. I saw him approaching.
16 I was just sitting. I was completely.

17 MS. VOLPER: Listen to her
18 question. What happened after you
19 were kicked in the face?

20 THE WITNESS: I'm sorry.
21 You're right.

22 MS. VOLPER: Do you remember
23 what happened after you were kicked
24 in the face?

25 A. After I was kicked in the face,

1 M. GOMEZ 324

2 I was passed out in there, and I blanked.
3 Officer Richard Delasandra got in the patrol
4 car. He slammed the door, drove me around a
5 little corner, and they brought me into the
6 back, through the back to the precinct.

7 Q. You said that you passed out;
8 is that correct.

9 A. Well, it was almost like -- you
10 know when you pass out that you get that
11 feeling, that boom, that you pass out like.

12 Q. Did you lose consciousness?

13 A. No, no, not unconscious, no.

14 Q. Did you hear any conversations
15 between Detective Quinoy and any Tarrytown
16 Police officers?

17 A. No. I saw them talking, but
18 not exactly. I couldn't tell you what it
19 was.

20 Q. Do you know why you were placed
21 in the patrol car instead of taken into the
22 precinct, because this happened in front of
23 the precinct, correct?

24 A. Yes.

25 Q. Do you know why?

1 M. GOMEZ 325

2 A. I have no idea.

3 Q. Approximately, how long did it
4 take to get from the patrol car into the
5 precinct?

6 MS. VOLPER: If you know.

7 A. It takes thirty seconds.

8 Q. When you went into the
9 precinct, what happened?

10 A. When I went into the precinct,
11 there was already all the officers, Officer
12 Eldryk Ebel. I can't remember. Officer
13 Michael Hayes was there, and Sergeant Paul
14 Hood was already there. And Lieutenant Gary
15 Hayes was there. And Jimmy Warren, Junior,
16 not the chief. The son had already arrived
17 I believe.

18 They put me on the -- they took
19 everything out of my pocket. They searched
20 me. At that time, the EMS Unit came in,
21 Mount Pleasant, and they were already
22 inside. They were talking about -- they
23 were talking to Jose Quinoy, if he needed
24 treatment, you know. There was a lot of
25 commotion going on.

1 M. GOMEZ 326

2 Then they put me in -- I was
3 leg shackled, my leg and feet, and I was
4 shackled to the bench. There's a metal
5 bench where they tie you. They chain you
6 down there. And I was just there for a
7 while.

8 So, during that transaction
9 that everybody was going in and out,
10 Detective Jose Quinoy came back in and at
11 that time it was just myself and him by
12 himself. And he came in with my cell phone,
13 and he said, you see this, you fucked with
14 the wrong one. I'm going to say the exact
15 words. If you fuck with the wrong one, he
16 went -- crack, and he broke my cell phone in
17 half, and he slammed it on the table. And
18 he told me, this is not New York City
19 Correction, okay. You're going to jail, and
20 they're going to eat you alive. They're
21 going to chew your ass alive in there when
22 they know that you were an ex-C.O. Those
23 were his exact words.

24 Q. What, if anything, did you say
25 to him?

1 M. GOMEZ 327

2 A. I didn't say anything to him
3 because I figure that if I got kicked in the
4 face in front of the rest of the police
5 officers, being myself in there with him he
6 probably would have done something else, you
7 know.

8 MS. SHERVEN: Move to strike
9 the portion that's nonresponsive.

10 Q. Where did that conversation
11 occur?

12 A. It was in the booking room. I
13 was already leg shackled, and they had
14 already searched me. He came back in in one
15 of the sections.

16 So, I overheard that they would
17 impounded my car. That's when I called
18 Lieutenant Hayes, please, Lieutenant Hayes,
19 Lieutenant Hayes. He came over. And I
20 said, please, I don't take any drugs, okay.
21 You can give me a blood test, whatever you
22 want. And if you're going to have somebody
23 search my car to impound my car, send
24 another officer. Don't let Detective Quinoy
25 do that, because I don't want any surprises

1 M. GOMEZ 328

2 being dropped in my car, and I told that to
3 Lieutenant Hayes. And I don't know, I guess
4 they didn't let Detective Quinoy do that. I
5 don't know.

6 Q. Was your car searched?

7 A. I know my car was impounded,
8 and that for seven days in Stalaski's, yes,
9 they search it, yes.

10 Q. Do you know what the results
11 were of the search?

12 MS. VOLPER: You need a verbal
13 response.

14 A. It was clean as a whistle. I
15 mean clean, clean. I mean I was not
16 drinking. You know, I don't do anything. I
17 don't do any drugs. I don't carry anything.

18 MS. SHERVEN: Move to strike
19 the portion as nonresponsive.

20 Q. How long was your car
21 impounded?

22 A. From the day that I got
23 arrested to the 23rd, that I got released
24 from jail. But the judge order it to
25 release the car to the defendant.

1 M. GOMEZ 329

2 Q. On that date, did you get your
3 car back?

4 A. Yes. And I had to pay fifty
5 dollars to the police department and five
6 hundred something dollars to the impounded
7 Stalaski's.

8 Q. Now, going back to the time
9 that you were in the police precinct, did
10 there come a point in time when the EMS
11 treated you?

12 A. Yes.

13 Q. Was that Sleepy Hollow EMS or
14 Mount Pleasant?

15 A. Both of them.

16 Q. What treatment did you receive
17 at the police station?

18 A. Well, they took -- how do you
19 call it the --

20 Q. -- the blood pressure?

21 A. Yes, the blood pressure, and my
22 eyes with the flashing light, and she
23 requested, you know, I was telling her that
24 my spine was burning. I actually my back
25 was burning, and it was hurting so bad. And

1 M. GOMEZ 330

2 then she requested some of the police
3 officers to uncuff me, so she can take a
4 look at my lower back.

5 Then from there they decided he
6 have to -- because my heart was beating so
7 fast, and they had to run me to the
8 emergency room. I don't know.

9 Q. Okay. When you're saying she,
10 are you referring to an EMS worker?

11 A. Yes, a lady from the Mount
12 Pleasant, and Jimmy Hayes was responding
13 from Sleepy Hollow.

14 Q. Did you make any other
15 complaints to the EMS workers as to how you
16 were physically feeling?

17 A. Oh, yes.

18 Q. What did you tell them?

19 A. My head was I felt like my head
20 was getting ready to explode. That was the
21 main thing. And my lower back I had a
22 burning sensation on my spine. You know,
23 mainly in the lower back. That was the bad
24 part you know.

25 Q. I know you testified that they

1 M. GOMEZ 331

2 checked your eyes, checked your blood
3 pressure, and examined your back, did they
4 treat you in way, give you any medications,
5 clean any wounds, anything like that?

6 A. Oh, they wiped me down with
7 that alcohol. I was bloody, you know, all
8 the blood, yes.

9 Q. Anything else?

10 A. Not that I can remember. It
11 was so many things that --

12 Q. Did you request that you were
13 taken to the hospital, or was that what the
14 EMS told you?

15 A. I think I don't know if I
16 requested it, because I wasn't even talking
17 that much. I was just mainly, you know -- I
18 don't even know. I was hurting, and you
19 know I think that was the decision made by
20 them.

21 Q. From what you testified to,
22 they took you to the emergency room to the
23 hospital because of your heart rate?

24 A. Yes. My heart was beating, you
25 know. I couldn't control it. Well, I

1 M. GOMEZ 332

2 guess, I don't know. And my pain in the
3 head and trauma in the back and everything,
4 you know.

5 Q. Which hospital were you taken
6 to.

7 A. Phelps.

8 Q. To your knowledge, did your
9 wife sustain any injuries on October 17,
10 2006?

11 A. Yes.

12 Q. What injuries did she have?

13 A. She sustained a very very bad
14 bruised ribs, and I think it was the right
15 side. Was it the right side, oh, geez.

16 MS. VOLPER: Whatever you
17 remember.

18 A. When I arrived at the emergency
19 room, she was already there at the hospital
20 also getting treatment.

21 Q. Other than the bruised ribs
22 that you mentioned, as far as you know did
23 she have any other injuries as a result of
24 the incident on October 17, 2006?

25 A. Well, this is as a result, but

1 M. GOMEZ 333

2 she was very very very nervous, and she
3 couldn't sleep for quite a few days. She
4 had to go to different doctors because she
5 was so nervous, it started affecting her
6 job.

7 She took about five days
8 without going to her job during the time
9 that I was in jail, looking for lawyers. We
10 didn't have enough money, you know. You
11 know it was pretty bad, rough situation and
12 she couldn't sleep.

13 MS. SHERVEN: Move to strike as
14 nonresponsive.

15 Q. Listen to my question. Other
16 than the injuries that you mentioned bruised
17 ribs, do you know if she had any other
18 physical injuries at the time she went to
19 the hospital?

20 A. So, the nervous situation and
21 the mental situation is not a physical
22 injury?

23 Q. We're talking about physical
24 injuries. You mentioned the bruised ribs,
25 anything else?

1 M. GOMEZ 334

2 A. Not that I know of. I'm sorry
3 about that, you know. You're right.

4 Q. Do you know how she was taken
5 to the hospital?

6 A. My daughter arrived with her
7 cousin.

8 Q. With your wife's cousin or your
9 daughter's cousin?

10 A. No, my daughter's cousin.

11 Q. Which daughter?

12 A. Haydee.

13 Q. What is your niece's name,
14 Haydee's cousin, what's her name?

15 A. Jenny.

16 Q. What's her last name?

17 A. Cabra C-A-B-R-A -- wait a
18 minute. Okay, C-A-B-R-E-R-A, Cabrera,
19 something like that.

20 Q. Did your daughter and her
21 cousin take your wife to the hospital; if
22 you know?

23 A. Yes.

24 Q. To your knowledge did Detective
25 Quinoy receive any treatment from EMS at the

1 M. GOMEZ 335

2 police station?

3 A. I think he did, yes.

4 Q. Do you know what?

5 A. No. In the police station?

6 Q. In the police station.

7 A. I'm not sure, no. I don't

8 know, and I don't have no idea.

9 Q. To your knowledge was Detective
10 Quinoy also treated at Phelps Hospital?

11 A. Yes. My wife said I saw him
12 there, with she saw also Chief Jimmy Warren,
13 Junior. He was there with him.

14 Q. Did you, yourself, see
15 Detective Quinoy at the hospital?

16 A. No.

17 Q. But your wife told you later
18 that she saw Detective Quinoy at the
19 hospital?

20 A. Yes.

21 Q. Did you, yourself, see Chief
22 Warren?

23 A. No.

24 Q. But your wife told you later
25 that she saw Chief Warren?

1 M. GOMEZ 336

2 A. Yes.

3 Q. At any point in time did you
4 learn what injuries Detective Quinoy was
5 treated for at the hospital?

6 A. I have no idea.

7 Q. At any point in time did you
8 see whether Detective Quinoy was bleeding or
9 had any bruises?

10 A. No.

11 Q. At any point in time did you
12 observe any type of injury on Detective
13 Quinoy's person?

14 A. Well, I'm not sure, you know,
15 no.

16 Q. How long did you spend at
17 Phelps Hospital, approximately.

18 A. Two or three hours, three
19 hours. I guess three and a half hours.

20 Q. What, if any, complaints did
21 you make to the hospital personnel?

22 A. I told him what happened. How
23 I'm feeling. Then they gave me about three
24 different shots, one I think the anti blood
25 clot he told me, and another one for the

1 M. GOMEZ 337

2 pain, and I got about three different shots,
3 and about three different pills. And by
4 then I left the hospital, I was very like
5 very sedated, so I don't know.

6 Q. What did you specifically tell
7 them, though, as to what you were feeling?

8 A. Oh, I told him that my head and
9 my lower back that was it was very -- it was
10 killing me.

11 Q. Did the doctor or any other
12 hospital personnel examine your head or your
13 lower back?

14 A. They gave me, they did take,
15 you know, they put me in the -- I don't know
16 not an x-ray. It MRI's or something. They
17 put me in the machine, the head. And you
18 know they did a lot of things. I was there
19 almost three and a half hours, four hours.
20 I don't know.

21 Q. Is it your testimony that they
22 did an MRI to your head only, or did they do
23 an MRI on other portions of your body as
24 well?

25 A. I don't remember. I was

1 M. GOMEZ 338

2 already by the time they took me in there,
3 they gave me the shots. You know, I don't
4 remember what they did really, you know.

5 Q. Were you ever told the results
6 of this MRI?

7 A. No. I had been going to my
8 neurologist for my headaches.

9 Q. Okay. We're talking right now
10 just about the hospital?

11 A. No, no, no, no.

12 Q. At the time you were released
13 from the hospital, did they refer you to any
14 other doctor or medical facility?

15 A. From the hospital?

16 Q. From the hospital.

17 A. No. I guess they figured I
18 have my own doctors, you know.

19 Q. Did they tell you to followup
20 with your own doctors, in other words?

21 A. I don't know if they did. They
22 wrote a whole bunch of things down, and they
23 gave it to them I guess. I don't know what
24 happened after that, really, you know.

25 Q. When you say they gave it to

1 M. GOMEZ 339

2 them, who is them?

3 A. To the police officers that was
4 there, you know, the two police officers who
5 were escorted me, you know.

6 Q. Which police officers were
7 those?

8 A. It was Ebel, Eldryk Ebel, and
9 Officer Michael Hayes.

10 Q. Were you given any prescription
11 medications when you were released from the
12 hospital?

13 A. In the hospital?

14 Q. In the hospital.

15 A. No. I don't know. I don't
16 know what they -- no.

17 Q. At the hospital did they treat
18 you in any other way other than what you
19 testified to?

20 A. The shots and the pills that
21 they gave me.

22 Q. Right. Anything else?

23 A. They put like a thing here on
24 my head. How do you call it -- I don't know
25 what, one of the bags.

1 M. GOMEZ 340

2 Q. What was the purpose of that;
3 if you know?

4 A. I guess to calm the pain,
5 something, I don't know, for all the
6 swelling down.

7 MS. VOLPER: Are you talking
8 ice.

9 THE WITNESS: No, not ice.

10 MS. VOLPER: Was it a cold
11 pack?

12 A. Yeah, something in my head,
13 because I told them that my eyes were
14 hurting. And then I heard people talking
15 and moving, and I saw the two officers
16 coming in and out. And then my wife was
17 screaming in the other room, and I don't
18 remember exactly, you know, really.

19 Q. Why was your wife screaming in
20 the other room, if you know? What was she
21 saying?

22 A. I guess she was in pain. I
23 don't know. She wanted to know how I was.
24 She knew that I was in a room next to her I
25 guess. I don't know.

1 M. GOMEZ 341

2 Q. Do you know approximately how
3 long your wife was in the hospital?

4 A. About two or three hours
5 herself, and three hours, around there.

6 Q. What type of treatment, if any,
7 did she receive?

8 A. I have no idea. She did
9 receive treatment, yes.

10 Q. When you were released from the
11 hospital, where were you taken?

12 A. To the station.

13 Q. Back to the Sleepy Hollow
14 Police Department?

15 A. Yes.

16 Q. I believe that you testified
17 earlier that it was sometime the next
18 morning that you were transported to another
19 facility; is that correct?

20 MS. VOLPER: I'm going to
21 object to the form of that question.
22 Could you rephrase that.

23 Q. Do you understand what I'm
24 asking?

25 A. Yeah, in the morning. You said

1 M. GOMEZ 342

2 what were you saying, when did they
3 transported me?

4 Q. You were transported the next
5 morning; is that correct?

6 A. Yes.

7 Q. Where were you taken the next
8 morning?

9 A. To Westchester County Jail.

10 Q. Do you know for what reason you
11 were taken to the county jail?

12 A. I saw the judge very briefly
13 about eight o'clock in the morning.

14 Q. That same day?

15 A. That same morning, yes. Before
16 then they were waiting for the commitment
17 papers, and then I was escorted by the two
18 officers to Valhalla, yeah.

19 Q. Just so we're clear --

20 A. -- and they gave me one phone
21 call a little bit before I left. That's
22 about it.

23 Q. When you're saying you received
24 one phone call in the morning before you
25 left, you mean before you left the Sleepy

1 M. GOMEZ 343

2 Hollow Police Department?

3 A. Yes.

4 Q. Who did you call?

5 A. My wife.

6 Q. From the Sleepy Hollow Police
7 Department, where were you taken next?

8 A. To the county jail.

9 Q. Is the county jail where you
10 saw the judge?

11 A. No. I saw the judge in the
12 bench in the Sleepy Hollow Courtroom.

13 Q. That same day before you were
14 transferred?

15 A. Yeah, that morning, the morning
16 of the 18th, eight o'clock or around 8:30 in
17 the morning.

18 Q. For what reason did you see the
19 judge that morning; if you know?

20 A. She told me the charges that I
21 had, and I was trying to explain, and she
22 said don't talk. I've asked you not to
23 talk.

24 Q. Was this your attorney saying
25 this?

1 M. GOMEZ 344

2 A. No. I had no attorney, and I
3 was trying to give her a brief explanation,
4 and she just told me, no, I don't want to
5 hear. I advise you not to say anything.

6 She told me what my charges
7 were, and I see you in court on -- she told
8 me why she couldn't give me bail. I had no
9 bail. And she told me I'm waiting for -- I
10 can't give you bail, because I don't have
11 your commitment papers. So I went into jail
12 I think it was six, seven days with no bail,
13 so, you know. And then she told me the
14 charges and then I said, okay.

15 Q. What charges did she tell you
16 you were being charged with?

17 A. I believe I had three felonies
18 and two misdemeanors, and one violation.

19 Q. Do you know what types of
20 felonies or misdemeanors or violations you
21 were being charged with?

22 A. Geez, I can't remember. I
23 can't remember off the top of my head,
24 because I don't want to speculate if I'm not
25 sure what numbers.

1 M. GOMEZ 345

2 Q. Even if you don't know what
3 section of the Penal Law it is, do you know
4 what --

5 A. -- Oh, I know one is assaulting
6 a police officer. Another one resisting
7 arrest I think was another one. And I think
8 another one obstructing governmental
9 procedures, and another one is that I broke
10 a personal -- somebody's cell phone or one
11 of the guns or the tasers broke, and they
12 were trying to charge me for breaking
13 departmental property, you know.

14 Q. When you saw the judge that
15 morning, did you request an attorney?

16 A. Yes. I mean basically I wasn't
17 given any chance, okay, when I was there.
18 When I went to see the judge, the courtroom
19 was empty. There was nobody there. I said,
20 the judge, it was somebody else. I think
21 the clerk, and Michael Gasker was there. He
22 came in. Officer Gasker and the two police
23 officers that transported me, Officer Tony
24 Bennitas, and I don't know the other guy's
25 name. I can't remember. I don't know him

1 M. GOMEZ 346

2 that well. And that was pretty much it.

3 Q. Did any of the police officers
4 speak to the judge as far as you know when
5 you were there?

6 A. In the courtroom?

7 Q. In the courtroom.

8 A. No.

9 Q. Do you know why the police
10 officers were there?

11 A. Well, when I saw the judge I
12 was cuffed.

13 Q. So, the police officers were
14 taking you in?

15 A. Yeah. They brought me to the
16 cell first. They gave me -- I can't
17 remember if I had the call after I saw the
18 judge. After I saw the judge, they took me
19 from the cell, they cuffed me. They brought
20 me in the other courtroom, which they
21 connects, because everything is connected
22 there, the station with the courtroom.

23 And I saw the judge. I was
24 cuffed. The two officers were standing
25 behind me, and Officer Michael Gasker came

1 M. GOMEZ 347

2 in through the door. The judge told me
3 everything that she had to say.

4 And then from there, I say,
5 okay. You're going in. I see you the 23rd,
6 the next court date, you know.

7 Q. After that you were transported
8 to the County Jail?

9 A. Yes.

10 Q. Now, from the time that you
11 were arrested until your arraignment that
12 morning, were you given any food or
13 beverages?

14 A. Well, I'm glad that you say
15 that, you know. I had it was when I was
16 brought in from the hospital about 4:00
17 o'clock in the morning or around there, they
18 put me in the bench with the metal bench and
19 I was already cuffed behind the back. And I
20 was there cuffed behind my back. The only
21 thing they did they took the leg shackles
22 out. And I was cuffed in the same position
23 for hours and talking about from the time.

24 Then I heard my wife's voice
25 about 4:30 in the morning, and I said

1 M. GOMEZ 348

2 Awilda, are you there. And that's when my
3 wife got arrested.

4 And the reason they took me out
5 from that bench and put me in the cell,
6 because they needed Detective Quinoy needed
7 to print my wife. And where I was sitting
8 all that time, it was where they print
9 people. That's the printing room, and
10 that's the only reason that I was
11 transferred to the regular cell area, where
12 I can at least, how do you call that, you
13 know stretch out a little bit.

14 And then I was given water
15 that's because my wife requested it I was
16 saying, officer, give me some water. Please
17 give some water. Because of the shots and I
18 and I had never been so thirsty in my life.
19 And I needed water.

20 And I was not given water until
21 after the fact when my wife was getting
22 arrested. I think 4:30 or something in the
23 morning, Officer Gasker brought in a bottle
24 of water, and I was able to drink some
25 water, you know, about 4:30, 5:00 o'clock in

1 M. GOMEZ 349

2 the morning.

3 MS. SHERVEN: Move to strike
4 the portions that are nonresponsive.

5 Q. Other than the water --

6 A. -- well, a little bit, I'm just
7 giving you the story.

8 Q. Listen to my question. Other
9 than the water that you were given, were you
10 given any other food or beverages at anytime
11 until the time that you were arraigned by
12 the judge?

13 A. All I was given in the Sleepy
14 Hollow Police Department was water. Nothing
15 at all. The first time I ate something was
16 in jail at 4:30 in the afternoon.

17 Q. At any point in time did you
18 request any food or other beverages?

19 A. I requested water.

20 Q. Listen you have to listen to my
21 question. Don't interrupt, because the
22 record isn't going to be clear.

23 At any point in time from the
24 time that you were arrested to the morning
25 that you were arraigned, did you request any

1 M. GOMEZ 350

2 food or beverage other than the water?

3 A. No. No, not really, no.

4 Q. So, you only requested the
5 water?

6 A. Yes.

7 Q. The one time when you heard
8 your wife?

9 A. I was requesting water for at
10 least two and a half hours. I needed water.
11 Please, I was trying to get the sergeant,
12 and the lieutenant, water, water.

13 Q. Did you speak to any police
14 officer face-to-face to tell them that you
15 wanted water?

16 A. I asked Officer Gasker, because
17 after 2:30, 3:00 o'clock in the morning
18 everybody left, and then the night shift
19 came in. And I asked Jimmy Warren, Junior,
20 that was passing by, officer, if you get a
21 chance, bring me some water, bring me some
22 water. And everybody was just busy,
23 whatever.

24 Q. Did any of these officers say
25 anything to you when you requested water?

1 M. GOMEZ 351

2 A. No. Everybody just kept
3 walking. I was in that room until -- the
4 reason I was transported to the cell because
5 they needed to print my wife.

6 Q. Approximately what time in the
7 morning was this that you were transported
8 to the cell?

9 A. I would say from 4:30 to 5:00
10 o'clock in the morning, around there.

11 Q. Do you know what your wife was
12 being charged with?

13 A. My wife left the hospital and
14 stopped in the station about 3:30 to ask
15 what we have to do to get my car out the
16 next morning. And then when Detective
17 Quinoy came back out and told the sergeant
18 buzz me out, and he came back in and
19 arrested my wife and cuff her, and that's
20 it.

21 MS. SHERVEN: Move to strike as
22 nonresponsive.

23 Q. Listen to my question. Do you
24 know what she was charged with?

25 A. She was charged with two

1 M. GOMEZ 352

2 misdemeanors and one violation or something
3 like that and three charges.

4 Q. Do you know what either
5 sections of the Penal Law or what types of
6 crimes she was specifically charged with?

7 A. No. I'm not going to speculate
8 on that, because I'm not sure. Resisting
9 arrest was one of them, and interfering --
10 obstructing governmental procedures another
11 one. And the violation, I don't know what
12 it was, something like that.

13 Q. Did your wife go to see a
14 judge, or was she given a desk appearance
15 ticket as far as you know?

16 A. What do you mean by desk
17 appearance ticket? As far as I know, my
18 wife was released that same night from the
19 station.

20 Q. Do you know did your wife see a
21 judge?

22 A. No.

23 Q. Was she just told to come back
24 to court at a later date; if you know?

25 A. I'm not sure if she was told to

1 M. GOMEZ 353

2 come back. She was -- they gave her the
3 charge. They print her. She sat down,
4 talked to Detective Quinoy for about a half
5 an hour, forty-five minutes.

6 And at one time my daughter and
7 my cousin was still waiting all that time
8 almost three hours outside the station. She
9 came back and asked Sergeant Paul Hood,
10 sergeant, do you know what happened to my
11 mother because she's been in there for three
12 hours.

13 And they say, I'm not sure.
14 They're talking. I hope you guys didn't
15 arrest her. That would be the icing on the
16 cake. And she was already being printed,
17 and Sergeant Paul Hood told my daughter, no,
18 no, nothing like that happened.

19 MS. SHERVEN: Let me just
20 strike the portion as nonresponsive.

21 Q. Do you know when your wife went
22 to court?

23 A. The same day that we went to
24 court together on the 23rd.

25 Q. Is that the day that you were

1 M. GOMEZ 354

2 released from jail?

3 A. No. Wait a minute. Oh, geez.
4 I don't know if she was the day that I got
5 released from jail, I don't think they
6 called her case that date. They call her
7 case the next time around when we went both
8 together. I'm not sure. I can't remember
9 if she was there with me on the 23rd, I know
10 I was.

11 Q. The 23rd was your next court
12 date; is that correct?

13 A. Yeah, that's the date that I
14 got released. That was bail, not released,
15 bail, yeah.

16 Q. What was bail set at?

17 A. It was set from ten. The was
18 judge reduce it to five hundred dollars.

19 Q. Someone paid the bail on your
20 behalf?

21 A. Yes.

22 Q. Who paid the bail?

23 A. Geez, I know him from school
24 you know. I got his name, but I just didn't
25 -- you know.

1 M. GOMEZ 355

2 MS. VOLPER: Do you remember
3 what his name is right now; yes or
4 no?

5 A. No. I don't remember what his
6 name is.

7 Q. Do you have any documents that
8 would reflect the identity of the person who
9 paid your bill?

10 A. Oh, yeah, he signed it. He
11 went to the clerk, and he paid the bill, and
12 the documents have to be there with his name
13 and his I.D. card and everything to pay the
14 bail.

15 Q. If we left a blank in the
16 transcript, would you be able to fill in his
17 name?

18 A. You know he's my friend. I got
19 his name. I got his name in my memo book.

20 Q. If we left a blank in the
21 transcript, I understand that you do not
22 recall his name right now. If we left a
23 blank, would you later when you're reviewing
24 the transcript, would you later be able to
25 fill in his name.

1 M. GOMEZ 356

2 MS. VOLPER: 50-h Hearing from
3 is from memory only. If you would
4 like to leave a blank in the
5 transcript, and my client will fill
6 in his name later, we'll do that.

7 A. Okay.

8 Q. How did it come to be that this
9 friend of yours paid the bail?

10 A. He's my friend. He's a member
11 of the Eagles Club, and Order of Fraternal
12 Eagles at Sleepy Hollow with me. And at
13 that time I was six, seven days in jail.
14 Everybody knew what happened in town, you
15 know.

16 Q. Did someone whether it was your
17 wife, yourself, or someone else request that
18 this friend pay the bail?

19 A. No, no.

20 Q. Did he voluntarily pay on his
21 own?

22 A. Yes.

23 Q. When you saw the judge and were
24 released on bail, did you have an attorney
25 present?

1 M. GOMEZ 357

2 A. There was quite a few attorneys
3 that came in, and then one from the Masonic
4 Fraternity. But my wife decided she got
5 Janet, and they got the Legal Aid attorney
6 from the Legal Aid Society to rent me at
7 that time.

8 Q. Do you know the name of the
9 person from the Legal Aid?

10 A. No, the Legal Aid attorney?

11 Q. Yes.

12 A. I don't remember exactly. They
13 kept switching on and off.

14 Q. How long did Legal Aid
15 represent you?

16 A. Up to the point when they
17 dropped about two weeks ago. Geez, I think
18 they dropped two or three. It was three
19 from the felony charges to misdemeanors.
20 And the next time that I went to court,
21 Legal Aid could no longer represent me. So
22 I have a new attorney representing me now in
23 the criminal court case.

24 Q. What is the name of your new
25 attorney?

1 M. GOMEZ 358

2 A. Angel Perez. He's a -- Geez,
3 where the heck is my memo book. Perez.

4 MS. VOLPER: You don't have to
5 look for it. We're going on memory
6 right now.

7 A. Angel.

8 Q. Angel Perez?

9 A. Yes.

10 Q. Do you know where his offices
11 are located?

12 A. He's works off Sleepy Hollow.
13 He works in New York City and the Bronx,
14 also, and Bronx, Criminal Court, Bronx
15 Supreme Court.

16 Q. How did Mr. Perez come to
17 represent you; in other words, did you
18 retain his services, or is this a pro bono?

19 A. No. He volunteered. He's one
20 of the attorneys in Sleepy Hollow Court.

21 Q. Is he appointed by the court?

22 A. Yes.

23 Q. For 18B?

24 A. He's 18B, yes. There was
25 another lady who was going to get appointed,

1 M. GOMEZ 359

2 and he request to have the case because he
3 knows me. He knows me for a long time, you
4 know, from town, you know.

5 Q. Does he know you through your
6 professional capacities as a corrections
7 officer or on a personal basis?

8 A. I know I worked with him in
9 Supreme Court a few times in the Central
10 Booking and Bronx Criminal Court.

11 Q. But you're being represented
12 through 18B not -- in other words, Mr. Perez
13 is being paid by some entity for his
14 representation? It's not a free
15 representation?

16 A. What is?

17 Q. Withdrawn. Other than Legal
18 Aid and Mr. Perez, have you, yourself, had
19 any other criminal attorneys for this case?

20 A. No.

21 Q. I believe that you testified
22 earlier that Janet Gandolfo is the attorney
23 that represents your wife?

24 A. Yes.

25 Q. Has your wife had any other

1 M. GOMEZ 360

2 criminal attorneys that have represented her
3 in this case?

4 A. No.

5 Q. Approximately, how many times
6 have you been to court on this case?

7 A. Geez, about four, four times,
8 five, around there, four or five times.

9 Q. What is the current status?

10 A. They're transferring. I was
11 got in touch with Angel, I mean the attorney
12 Angel Perez. They made a motion I believe
13 last weekend to the County Jail -- not the
14 County Jail--

15 Q. -- the District Attorney's
16 Office?

17 A. Yes. In White Plains to switch
18 it, because at that point I believe one of
19 the second or third times that we went to
20 Sleepy Hollow that there was a motion to
21 request to move the case out of Sleepy
22 Hollow. And the case dragged out for almost
23 two months until finally I think it's going
24 to get moved to Greenburg.

25 Q. Do you know who made the motion

1 M. GOMEZ 361

2 to change the court? Was that your attorney
3 or was that the District Attorney's Office;
4 if you know?

5 A. I believe it was from the
6 District Attorney's that was there before
7 Jeff. It was Jeff, and then the judge --
8 and I can't Chariot. I can't pronounce his
9 name. He's not there anymore. It's Melissa
10 Smith, the D.A. now.

11 Q. Do you know why there was a
12 motion to change the court?

13 A. I have no idea. I would have
14 to ask my lawyers that.

15 Q. You mentioned at some point
16 that the charges, some charges had been
17 dismissed; is that correct.

18 A. No, dropped, not dismissed.

19 Q. Some charges, not the entire
20 case?

21 A. Right, from felonies to
22 misdemeanors?

23 Q. When was that, that the
24 felonies were dropped?

25 A. Yes.

1 M. GOMEZ 362

2 Q. When was that?

3 A. About a month, a month ago, a
4 month and two weeks, thirty days.

5 Q. Do you know for what reason
6 those felony charges were dropped?

7 A. I have no idea. I didn't get
8 in touch anymore with my Legal Aid attorney
9 because they kept switching. You know, it
10 was every once in a while, it was a
11 different attorney that I had to speak to,
12 you know, in Legal Aid so.

13 Q. At any point in time, did you,
14 yourself, testify in the Grand Jury in this
15 case?

16 A. No.

17 Q. To your knowledge, did the
18 District Attorney present any evidence to
19 the Grand Jury on this case?

20 A. I have no idea, no.

21 Q. When is your next court date?

22 A. I don't know yet. I know
23 they're moving it to Greenburgh, Greenburgh
24 county, Greenburgh courtroom, someplace.

25 Q. So, at the present time,

1 M. GOMEZ 363

2 there's not a set returned date because of
3 the case being transferred to a different
4 court; is that correct?

5 A. Yes. Yes.

6 Q. But the case as far as you know
7 is continuing?

8 A. Oh, yes, definitely.

9 Q. What is the current status of
10 your wife's criminal case?

11 A. So far she still has the same
12 charges.

13 Q. Is her case also being
14 transferred to a different court?

15 A. Both cases are going to get
16 transferred, her case -- mean we're not
17 really called offenders, but we in the same
18 case.

19 Q. They're keeping the cases
20 together?

21 A. Yes.

22 Q. Does she have a specific return
23 date as far as you know, or is she also
24 waiting?

25 A. She's also waiting, yes.

1 M. GOMEZ 364

2 Q. Have there been any
3 conversations with the District Attorney's
4 Office regarding a plea bargain or of
5 disposing of the case in any way?

6 A. No.

7 Q. Has any offer been made to you
8 for a plea bargain?

9 A. No.

10 Q. What about to your wife; do you
11 know if she has received any offer?

12 A. No.

13 Q. No, you don't know, or, no, she
14 hasn't?

15 A. No. I know that she hasn't.

16 Q. At any point in time after you
17 were released from the hospital and you were
18 in the county jail, did you receive any
19 medical treatment?

20 A. In the county jail, yes, yes.

21 Q. What type of medical treatment
22 did you receive in the county jail?

23 A. I was getting pills for
24 basically everyday that I was there. The
25 nurse used to come around the morning around

1 M. GOMEZ 365

2 12:00, not in the morning, around 12:00, and
3 then at nighttime before 'cause I couldn't
4 sleep. And you know, then she gave me about
5 two or three pills. They gave me a couple
6 of shots and different -- they took me to
7 the medical unit because they have like a
8 station, medical station inside there.

9 Q. What, if any, treatment did you
10 receive at the medical unit?

11 A. They gave me a couple of shots,
12 and I don't know what it was. I forget. He
13 told me, but you know.

14 Q. Do you know what the shots were
15 for?

16 A. To break up the blood clots or
17 you know something that I don't know. But
18 another one antiinflammatories, and another
19 one for the headaches that, you know.

20 Q. Before October 17, 2006, were
21 you ever taking any medication for blood
22 clots?

23 A. Oh, no, no, no. Then I never
24 had headaches or anything like that. Once
25 in a while, I get it like normal headaches,

1 M. GOMEZ 366

2 you know.

3 Q. When you were released from the
4 county jail, did you followup with any of
5 your own medical doctors?

6 A. Oh, yes.

7 Q. Which doctors were they?

8 A. Doctor Stere Carniciu -- I
9 would have to look at that. I can't really
10 spell it.

11 MS. VOLPER: I believe it's
12 Stere Carniciu.

13 Q. Is this your primary care
14 doctor?

15 A. Yeah, my primary care
16 physician, yes.

17 Q. Does he work out of a specific
18 medical center, or is he like a solo
19 practitioner?

20 A. No. He have his office in
21 Sleepy Hollow and in Dobbs Ferry. He's also
22 my wife's doctor, you know.

23 Q. How many times have you seen
24 Doctor Carniciu for injuries that you allege
25 you sustained on October 17, 2006?

1 M. GOMEZ 367

2 A. I went to him about five, six,
3 seven times. Also, right after I got
4 released from jail that same weekend I was
5 hurting so bad, I had to called the
6 Tarrytown Police Department with the
7 ambulance and transporting me to Phelps
8 Memorial Hospital, because the pain was too
9 much. So I had to call EMS, and I think it
10 was the same weekend that I got released
11 from jail.

12 Q. Okay. We're going to try to
13 break this down. When you were released
14 from jail, when is the next time that you
15 sought medical treatment?

16 A. I believe it was the next day.

17 Q. Was that with Doctor Carniciu?

18 A. I'm not quite sure. It had to
19 be the next day. I was released from the
20 jail, and I went to the doctor right away
21 that same day or the next day. I don't
22 remember, but it was right there. You know,
23 I needed something for the pain in my head.
24 I needed something.

25 Q. Did Doctor Carniciu examine you

1 M. GOMEZ 368

2 in any way?

3 A. Yes.

4 Q. What did he do?

5 A. He examined me. You know,
6 everything, the back, the head area, and you
7 know the leg function. I guess the eyes,
8 you know, the flashing light. You know,
9 everything that they usually do. And at
10 that time, you know, it was some things, I
11 just don't exactly remember.

12 Q. Did your doctor run any medical
13 tests?

14 A. Yes. I went back on -- he send
15 me to get another Cat scan or MRI, and he
16 transfer me to a neurologist for my
17 headaches.

18 Q. What medical facility did you
19 receive the MRI or Cat scan?

20 A. It was right there in Phelps
21 that got that 77 building, the Phelps
22 Memorial Hospital.

23 Q. But it was through the hospital
24 as far as you know?

25 A. Right through the hospital. I

1 M. GOMEZ 369

2 don't know if it belongs to the hospital or,
3 but it's there in Phelps.

4 Q. At any point in time were you
5 told the results of any of the MRI or Cat
6 scan testing?

7 A. No.

8 Q. Did Doctor Carniciu prescribe
9 any medications to you?

10 A. He prescribed me on medication
11 which I stopped taking because my
12 neurologist that that medication was not
13 working with the headaches.

14 Q. What medication did Doctor
15 Carniciu prescribe for you; if you know?

16 A. He started with the A, A-Z,
17 Axart A-X-A-R-T?

18 Q. Do you know what type of
19 medication that is; if it's a pain
20 medication or something else?

21 A. No. It's mainly for the bad
22 bad headaches, like, cluster headaches which
23 is worse than migraines.

24 Q. When did Doctor Carniciu refer
25 you to a neurologist, approximately?

1 M. GOMEZ 370

2 A. That happened about four months
3 ago, four months ago. I don't know, four
4 months, four and a half, five.

5 Q. Was it shortly after you began
6 to see Doctor Carniciu?

7 A. Yes, almost right after that,
8 right. You're right, sorry.

9 Q. What was the name of the
10 neurologist that Doctor Carniciu referred
11 you?

12 A. Doctor Kenneth -- I don't know
13 if I'm pronouncing it right.

14 MS. VOLPER: Do your best.

15 A. Schwartz, Schwartz.

16 MS. VOLPER: Yes.

17 Q. Where is Doctor Schwartz's
18 offices located?

19 A. In Sleepy Hollow and in
20 Ossining.

21 Q. Where do you see him?

22 A. I go sometimes it depends where
23 my wife's -- she usually drives me, so I go
24 to the Sleepy Hollow a couple of times, but
25 I've been mainly going to the Ossining.

1 M. GOMEZ 371

2 That way I don't drive around Sleepy Hollow,
3 you know.

4 Q. How many times have you gone to
5 see Doctor Schwartz?

6 A. I guess about five, six. He
7 gave me different tests, and I don't
8 remember the name of the tests that they put
9 on your head and, you know, things like
10 that.

11 Q. Do you know what the purpose
12 was of the test?

13 A. No. I don't remember, you
14 know.

15 Q. What exactly did he do during
16 that test that you mentioned? Did he put
17 something on your head? What are you
18 referring to?

19 A. I don't remember. I don't
20 remember the name of the test. They gave me
21 quite a few tests in his office in Ossining,
22 you know, but I don't remember.

23 Q. Were you ever told the results
24 of those tests?

25 A. He put me on another

1 M. GOMEZ 372

2 medication, and I don't remember.

3 Q. Did he tell you though at
4 anytime what was wrong?

5 A. No. He keep asking me
6 questions about my memory and different
7 questions and things like that, that is
8 about it, and how is the pain doing.

9 MS. VOLPER: I'm sorry. Could
10 we take break.

11 (Whereupon, a recess was
12 taken.)

13 Q. Did Doctor Schwartz prescribe
14 any medications for you?

15 A. Yes.

16 Q. What medications has he
17 prescribed?

18 A. Topomax, first it was
19 twenty-five. Now, I'm taking fifty or
20 seventy-five. I take three pills.

21 Q. Is that milligrams?

22 A. Yes.

23 Q. What is Topomax for?

24 A. Headaches, because I had to
25 take a blood test. Also, they have to give

1 M. GOMEZ 373

2 something a check, I don't know. When you
3 take that medication, you have to take blood
4 tests every twenty-five days, you know.

5 Q. This medication, do you take it
6 daily or do you take it only when you
7 experience a headache?

8 A. No, daily I'm taking it daily.

9 Q. Is it to prevent headaches?

10 A. Basically is to, yes, and to
11 you know to take care of the headaches, you
12 know, to kill them.

13 Q. Now, you testified earlier that
14 the weekend after you were released from
15 jail you went back by ambulance to Phelps
16 Hospital, correct?

17 A. Yes.

18 Q. For what reason did you go back
19 to the hospital?

20 A. Because I was in a very very
21 bad pain still, and at that time I had
22 already saw Doctor Carniciu, but I don't
23 know if the medication wasn't working or
24 something, but I was in pretty bad shape.

25 So, my wife had to call that 911 so

1 M. GOMEZ 374

2 the ambulance can respond, and my headaches
3 were so bad.

4 Q. Was it for a headache that you
5 went to Phelps then, or was it for any other
6 injury?

7 A. Well, basically pretty much
8 hurt my back. Then I was still on crutches.
9 It took me about three to four weeks to get
10 rid of the crutches. You know, I wouldn't
11 walk right. My back and mainly my head, my
12 headaches was the one that was killing me,
13 you know, really.

14 Q. Did a doctor prescribe
15 crutches?

16 A. Yes, I believe it was.

17 Q. Which doctor?

18 A. I think I had -- they gave me
19 something in there, because I couldn't walk
20 right in the jail, but that's only -- you
21 can't walk around the jail with that so.
22 And then it was Carniciu I think.

23 Q. Pardon?

24 A. Doctor Carniciu in the
25 beginning. That was in the very beginning,

1 M. GOMEZ 375

2 that was about, well, it's almost six months
3 ago.

4 Q. How long were you using
5 crutches?

6 A. No, about for about a week and
7 a half, a week, a week and a half. I'm not
8 sure. You know when I started feeling
9 better, I got rid of them.

10 Q. For what reason were you using
11 the crutches, though?

12 A. It hurt pretty bad here on the
13 right side.

14 Q. You're pointing to your back?

15 A. Yes, yes, and my knee. I had
16 two knee surgeries prior to this incident,
17 and my knee was pretty much banged up by it,
18 you know. And the same, my right knee I got
19 two surgeries prior to.

20 Q. And you're alleging that your
21 right knee was injured as a result of this
22 incident?

23 A. Yes. Yes.

24 Q. How often were you experiencing
25 headaches?

1 M. GOMEZ 376

2 A. Oh, this past month, I was just
3 -- it's not as often as the first three
4 months, but I still get some bad headaches.

5 Q. When you say not as often as
6 the first three months, you're referring to
7 the first three months after your arrest?

8 A. Yes. Yes.

9 Q. Can you approximate for me what
10 you mean by not as often as the first three
11 months?

12 A. Because right now I get it like
13 less frequent.

14 Q. Okay. Can you describe the
15 frequency for me; whether it was the first
16 three months or now?

17 A. The first three months I had it
18 was basically almost I was functioning and I
19 was talking, but I could still feel the
20 pressure on the inside, you know, I feel the
21 pressure under my eyes, in the temples. I
22 felt a pressure inside. The first three
23 months it was tremendous, you know.

24 Q. How often were you experiencing
25 that pressure?

1 M. GOMEZ 377

2 A. It was everyday.

3 Q. Was this everyday for a certain
4 number of hours a day, all day, something
5 else?

6 A. You know more, sometimes it was
7 four or five days straight, and I went to
8 sleep with the medications, got up, and I
9 had the headache. I felt it right inside my
10 eyes, you know.

11 Q. Can you describe the pressure
12 or what you were feeling?

13 A. It's in the temples, and also
14 inside my eye sockets. In the temple area
15 here, right in the side of --

16 Q. Can you describe the pain that
17 you were experiencing? Can you describe it
18 in any way?

19 A. Oh, the headaches?

20 Q. The headaches.

21 A. Yes. I almost had to go to the
22 hospital last weekend, because well that's
23 not, sorry. That's not the answer.

24 The pain is very very bad, you
25 know very bad. It comes to the point, I got

1 M. GOMEZ 378

2 the pain. I could talk, and I can walk, and
3 I can function, and I deal with it. But it
4 comes to the point it gets so bad, I cannot
5 function. I have to lay down and maybe put
6 something cold on top of my eyes, and on top
7 of my forehead and with the pills. And it's
8 a cold like towel or something cold on the
9 top. I feel a little better, and it hurts
10 just to open my eyes. And here in the
11 temple, the main thing. It's not really in
12 the top of my head. Before in the beginning
13 of the incident, it was hurting on the top
14 of my head, but not anymore.

15 Q. Have those headaches that
16 you're describing changed over time, whether
17 the frequency or the actual pain that you've
18 described?

19 A. The only pain that I'm really
20 not getting at all is the pain that I had in
21 the top in the very top of the head that I
22 had for the first two months. But the pain
23 in the temple and the inside of the eye
24 sockets, the pressure, you know, like, when
25 you have a pressure inside. I still have

1 M. GOMEZ 379

2 that, yes.

3 Q. How often are you experiencing
4 this pain that you've described now?

5 A. It's not as often as the
6 beginning.

7 Q. Well, can you quantify that?

8 A. It's like every three or four,
9 five days.

10 Q. Do any of the medications that
11 either of your doctors prescribed help with
12 the headaches?

13 A. Yes, they last. The one from
14 the neurologist, the Topomax, it really -- I
15 noticed that it really helped. And it
16 hasn't really terminated the headaches
17 completely, but you know it's working in
18 some way.

19 Q. When you went back to Phelps
20 the weekend after you were released from
21 jail what treatment, if any, did they give
22 you?

23 A. I don't remember. I think I
24 got some pills and a shot and a couple of
25 shots for the pain, or I don't know what it

1 M. GOMEZ 380

2 was for. It was either for the pain or for
3 something. I don't know if I got x-rays
4 that day and that weekend. I don't
5 remember. I was there about three or four
6 or five hours. Then I got released.

7 Q. Were you told to followup with
8 any doctors?

9 A. Yes, yes, with my own private
10 doctors.

11 Q. And you did, in fact, followup
12 with your doctor?

13 A. Oh, yes, of course.

14 Q. Before October 17, 2006, did
15 you ever experience any headaches like what
16 you've described?

17 A. No.

18 Q. Did you ever have any
19 headaches?

20 A. Yes, I did, normal headaches
21 like I guess like everybody gets.

22 Q. When you would get what you
23 described as a normal headache, what, if
24 anything, would you do to alleviate the
25 headache?

1 M. GOMEZ 381

2 A. I take a couple of Tylenols or
3 Motrin or something.

4 Q. And would that typically help?

5 A. Yes.

6 Q. Did you ever before October 17,
7 2006, undergo any testing for headaches?

8 A. No. No.

9 Q. Did you ever undergo any
10 neurological testing before October 17?

11 A. No.

12 Q. Do you presently have any
13 complaints regarding any injuries that you
14 alleged you sustained on October 17, 2006;
15 by presently, I don't mean as you sit here,
16 now, but in the surrounding time?

17 A. Well, about any, yes, my main
18 concern and my main battle is with the
19 headaches, you know, really. Because I
20 still feel the hip somewhat, but I can
21 function, you know. I'm walking and I still
22 feel my leg, but I can function. I deal
23 with it. Take a couple of Naprosyn for it,
24 the antiinflammatories and here and there,
25 but the headaches are the number one killer,

1 M. GOMEZ 382

2 yes.

3 Q. When you're referring to your
4 hip, can you be more precise as to what
5 you're referring to, your left hip, your
6 right hip?

7 A. It's not really the hip. Its
8 on the lower part, the right side.

9 Q. Your lower part back on the
10 right side?

11 A. Right, exactly.

12 Q. What complaints do you have
13 exactly concerning your lower right back?

14 A. Well, I guess that's what I --
15 it was burning pretty bad for almost -- it's
16 not burning like when you get burned in a
17 fire, but you feel like a burning sensation
18 inside and very bad, and it hurt during the
19 first two or three weeks after the incident.

20 Q. Did you seek any medical
21 treatment concerning your lower right back?

22 A. Yes. Yes. I went to the
23 Sleepy Hollow Physical Therapy for almost,
24 geez, I was going to forget that, and Sleepy
25 Hollow Physical Therapy, which is in

1 M. GOMEZ 383

2 Hawthorne, right? Hawthorne movie theater
3 is 9A. That's Hawthorne, right, yeah.

4 Sleepy Hollow Physical Therapy, I was
5 getting therapy for almost three and a half
6 months there on the lower back, and my knee,
7 and the neck around the area, and they gave
8 me a lot of therapy, especially the hip and
9 the lower back section of the back, you
10 know.

11 Q. Did a doctor or other medical
12 provider refer you to the Sleepy Hollow
13 Physical Therapy?

14 A. Yes.

15 Q. Who referred you?

16 A. I think it was a primary. I
17 need a referral from my insurance to go
18 anywhere, so I had to get a referral from my
19 primary care physician.

20 Q. Did the physical therapy help?

21 A. It did help on the lower back
22 and my knee, yes, and on my neck especially.
23 But not with the headaches. That was
24 something different. That's completely --

25 Q. You mentioned that you have a

1 M. GOMEZ 384

2 current complaint concerning your leg. Are
3 you referring to your right knee?

4 A. My right knee, yes.

5 Q. What complaint do you have
6 about your right knee?

7 A. Well, just numbness. And when
8 I bend my right knee, I feel like a numbers
9 in sections on the inside of the -- I don't
10 know the ligaments or the joint socket where
11 it really moves. And that got pretty
12 swollen up after the incident.

13 Q. But currently do you have any
14 complaints about the knee?

15 A. Yes. It hurts. I can
16 function. I can deal with it. It hurts on
17 the inside, but I walk on it. No problem,
18 no.

19 Q. Other than what you've just
20 testified as to current complaints, do you
21 have any other current physical complaints?

22 A. No. That's pretty much it, the
23 headaches, my right knee, and my right
24 portion lower back, the neck area is doing,
25 you know, I'm not going to lie. It was

1 M. GOMEZ 385

2 pretty bad, but I don't feel it, so I'm not
3 going to put it in this if it's doing good.

4 Q. How long were you experiencing
5 your neck pain that you described?

6 A. For the first three and a half,
7 four months.

8 Q. And that was the physical
9 therapy you went to helped with that?

10 A. Yes. Also, the rib. It's also
11 like you got a broken rib. It heals by
12 itself, so that's something there's nothing
13 much you can do with the physical therapy.
14 They put a lot of different things because
15 the rib was pretty much banged up on my
16 right side of the ribs, also. When I was
17 kicked --

18 Q. I'm sorry.

19 A. That's all right. In the
20 beginning of the incident, I was pretty much
21 banged up on the right side of my rib, but
22 you know it was very painful to even to
23 breathe. I had so many pains and so many
24 medications that that was minor really.

25 Q. Did any doctor tell you that

1 M. GOMEZ 386

2 you had any broken or cracked ribs?

3 A. No. No. They told me --
4 actually I don't know. That was probably
5 overlooked. There were so many other
6 things, you know, I guess I don't know.

7 Q. Other than the physical
8 injuries that you've just described, are you
9 claiming any other damages or injuries as a
10 result of the Village's or Sleepy Hollow's
11 Police Department's actions?

12 A. Physical injuries, no.

13 Q. Other than the physical
14 injuries, are you claiming any other
15 injuries or damages?

16 MS. VOLPER: Can you be more
17 specific --

18 Q. Are you claiming any
19 psychological damages or injuries as a
20 result of the Village's or the Police
21 Department's actions?

22 A. To be honest, you know, it's
23 not psychological, I'm going to go crazy,
24 but it gets you paranoid. You don't want to
25 drive around Sleepy Hollow. And I was

1 M. GOMEZ 387

2 receiving phone calls. I had to change my
3 phone call. You know, it's very stressful,
4 very stressful mentally, you know, this
5 whole situation for me and the family and
6 for everybody else even for the officers
7 involved, you know, Sleepy Hollow.

8 And I hope and I wish the whole
9 thing never would have happened, but I don't
10 know. It was still very stressful nowadays,
11 the courtroom. I have to worry here, there,
12 psychological. Yes, it is very stressful.
13 I think my wife has suffered more in that
14 sense, you know, in the psychological sense.

15 MS. SHERVEN: Move to strike
16 the portions that are not responsive.

17 A. Okay.

18 Q. Have you sought any
19 psychological or psychiatric care
20 specifically due to your arrest on October
21 17, 2006?

22 A. No. No. I was referring to
23 the stress that you go through with the
24 courtroom, here, the phone calls there,
25 okay.

1 M. GOMEZ 388

2 Q. Have you had any out-of-pocket
3 medical expenses?

4 A. Yes.

5 Q. What out-of-pocket medical
6 expenses have you had?

7 A. My medicines. Well, the bill
8 of the treatment for the day that I got
9 arrested that was almost four thousand
10 dollars. That should have been billed to
11 the Sleepy Hollow Police Department, not to
12 my medical insurance. They billed that to
13 my medical insurance.

14 I've had a lot of medical
15 bills, and my insurance covers a lot of
16 them, but I have to come with out-of-pocket
17 expenses with some other.

18 MS. VOLPER: Are you saying
19 that you have deductible you have to
20 pay out first.

21 THE WITNESS: Yes. Yes.

22 Q. What health insurance do you
23 have?

24 A. Aetna.

25 Q. Is this insurance in your name

1 M. GOMEZ 389

2 or your wife's name?

3 A. No. It's under my name, but
4 she's covered by it.

5 Q. Can you approximate the amount
6 of money that you've spent out-of-pocket for
7 medical expenses?

8 A. For medical expenses only that
9 was the question?

10 Q. For medical expenses?

11 MS. VOLPER: Including
12 medications?

13 Q. Medications, anything medical.

14 A. I would say two or three
15 hundred dollars maybe around there, four
16 hundred. I don't know. I got all the bills
17 in a folder.

18 Q. Other than your medical
19 expenses, have you had any other
20 out-of-pocket expenses as a result of the
21 Village's or the Police Department's
22 actions?

23 A. Well, the attorneys' fees go in
24 there, or, no? Can you include --

25 Q. Well, you tell me what you

1 M. GOMEZ 390

2 think those expenses would be other
3 financial expense?

4 A. The fee for the attorney, for
5 my wife, oh, geez.

6 Q. You're referring to the
7 criminal case?

8 A. Yes.

9 Q. Can you approximate the amount
10 of attorney fees that you and your wife have
11 received since?

12 A. Oh, all I know it was five
13 hundred dollars and seventy-five dollars to
14 get my car out.

15 Q. But can you approximate the
16 amount of the attorneys' fees?

17 A. So, far about two thousand, yes
18 two thousand five hundred dollars I think it
19 was, yeah.

20 Q. You mentioned the five hundred
21 and seventy-five dollars to get your car
22 back?

23 A. Yes.

24 Q. Anything else?

25 A. And fifty dollars for the that

1 M. GOMEZ 391

2 you have to get a letter of release letter.
3 You have to pay the Police Department fifty
4 dollars plus one hundred and the
5 seventy-five dollars, basically it's the
6 same thing.

7 Q. You're referring to the car?

8 A. Yes, for the car, the five
9 hundred dollars that my friend put in
10 himself out of his own pocket so.

11 Q. So, you're referring to the
12 bail money?

13 A. Yes.

14 Q. Did you ever complain to anyone
15 at the Police Department about the way that
16 you were treated?

17 A. At that morning that I got
18 arrested?

19 Q. At anytime. At anytime.

20 A. Well, yes, I made quite a few
21 complaints especially after the whole -- the
22 main one, I had never been as thirsty in my
23 life maybe because the electricity, the
24 shots that I got in the hospital. When I
25 was going from the hospital, I need water so

1 M. GOMEZ 392

2 bad, and I was dying. And I was yelling for
3 water, water, water, almost two hours. And
4 there wasn't -- after the fact, that my wife
5 got arrested and they were booking her,
6 that's when they decided to get a bottle of
7 water, one for me and one for my wife.

8 Detective Quinoy saying -- my wife
9 was telling me Detective Quinoy sent Jimmy
10 Warren, Junior to get two bottles of water
11 or something like that.

12 Q. My question is: Did you ever
13 complain to anyone about the way you were
14 treated?

15 A. To the police officers?

16 Q. To anyone at the Police
17 Department.

18 A. I don't remember. I don't
19 remember. It was so many things said and
20 going down.

21 Q. Did you ever make a written
22 complaint to the Police Department?

23 A. No.

24 Q. What about complaining to the
25 Chief?

1 M. GOMEZ 393

2 A. Jimmy Warren never even
3 approach us to even know what was my side of
4 the story.

5 Q. Did you ever seek out the Chief
6 to tell him your side of the story?

7 A. Not myself. My wife did seek
8 the Chief.

9 Q. Describe the circumstances to
10 what you're referring to?

11 A. Well, she was getting treated
12 and she saw him there and said, Jimmy, can I
13 speak to you for a minute. And he went
14 like, okay, and kept walking. And say like,
15 okay, okay, okay, and he kept walking.

16 Q. You're referring to the night
17 you were arrested at the hospital?

18 A. Yes. Yes.

19 Q. Did you ever make a complaint
20 to the Civilian Complaint Board about any of
21 the police officers involved, whether
22 Detective Quinoy, Officer Ebel, or anyone
23 else?

24 A. No.

25 Q. Are you aware of videotapes or

1 M. GOMEZ 394

2 audiotapes that may reflect what occurred on
3 October 17, 2006?

4 A. Yes.

5 Q. What are you aware of exactly?

6 A. There's two videotapes. The
7 one in front of the police headquarters, the
8 building. The main door, they have a
9 twenty-four hour camera there right outside.
10 And one as you come in where that you
11 approach an officer, and they have the glass
12 there, and they have that running
13 twenty-four hours.

14 Another one in the liquor store
15 right across the street. Wine & Spirits
16 that's the name of the store.

17 Q. I'm sorry?

18 A. Wine & Spirits, it's Cha Cha
19 liquor store. We call him Cha Cha. And
20 there was another copy made, and I don't
21 know what happened as to those tapes, but I
22 know there had to be two videos, one from
23 the Police Department, and one from the
24 liquor store right across the street.

25 Q. Have you actually seen any

1 M. GOMEZ 395

2 videotapes?

3 A. If I seen videotapes?

4 Q. Right. Have you physically
5 yourself watched any videotapes that reflect
6 this incident?

7 MS. VOLPER: Do you recall
8 watching any surveillance tapes or
9 anything like that?

10 A. No, I don't recall. I don't
11 recall having it, you know.

12 Q. What leads you to believe that
13 there are two videotapes, one from the
14 Police Department, one from the liquor store
15 if you, yourself haven't seen anything?
16 What leads you to believe that they exist?

17 A. Because I know they have --
18 it's standard procedures. You have a --
19 they had the camera right there in front of
20 the station in the door where you come in.

21 And they have another one when you go
22 in also they have the glass where you
23 approach a desk officer or the sergeant.
24 And you ask them you want information about
25 a ticket or whatever you come in. And

1 M. GOMEZ 396

2 anybody that comes in and out during those
3 twenty-four seven is recorded in a
4 videotape.

5 And then outside the building,
6 there's another videotape, right. You can
7 see the camera right outside the station
8 near the door.

9 Q. How do you know that a
10 videotape would have recorded what
11 transpired on October 17, 2006.

12 A. Because my car was parked right
13 in front. I was a little to the left about
14 three or four feet to the left, but it was
15 right in front of, basically right in front
16 of the police headquarters.

17 Q. What leads you to believe that
18 a liquor store camera recorded anything that
19 occurred on October 17, 2006?

20 A. Because I spoke to one of my
21 Legal Aid attorneys, and he told me
22 something referring to the tapes. And I
23 told him, and it was quite a lot of people
24 from town that had called me, and, oh, they
25 got videotapes. Like I said I had about

1 M. GOMEZ 397

2 five hundred calls, you know.

3 Q. Did any of those callers of
4 those five hundred calls tell you that they
5 saw a videotape?

6 A. Personally see it, no.

7 Q. So, people were speculating
8 that there are videotapes?

9 A. Well, I guess, but I know there
10 are videotapes.

11 Q. How do you know that there are
12 videotapes?

13 A. Because they have to have one
14 in front of the police headquarters. They
15 have videotape running twenty-four seven
16 days a week.

17 Q. We're talking about the liquor
18 store camera. How do you know that there
19 was anything recorded on that camera? Did
20 someone tell you something, or is this
21 something that you just believe?

22 A. I had to guess that. No, there
23 was Lieutenant Barry Campbell was doing the
24 investigation, and he -- I guess he got all
25 the information, the video store -- the

1 M. GOMEZ 398

2 liquor store was right in front across the
3 street.

4 Q. What does Lieutenant Campbell's
5 investigation, though, have to do with the
6 videotapes? What are you referring to?

7 A. Because I guess he went in and
8 got that if they had the videotapes from the
9 liquor store during the time that he was
10 doing, that he was calling me to the start
11 the investigation, I guess that he had --
12 that he got that tape.

13 Q. Do you know for a fact, though
14 that he has a tape?

15 A. No. I don't know for a fact.
16 I'm speculating, you know.

17 MS. VOLPER: Did you come to
18 this information because of what,
19 perhaps, the D.A.'s Office told your
20 attorney.

21 A. Yes. The D.A.'s Office that
22 first date -- thank you for reminding me of
23 that. The District Attorney Jeff Chariot or
24 I can't remember his last name, but that he
25 was an ADA or D.A. at that specific time.

1 M. GOMEZ 399

2 MS. VOLPER: Do you know if
3 that starts with an "S" or a "C".

4 THE WITNESS: With a "C",
5 Chariot, with a "C". It's Chariot or
6 something like that. He made a
7 motion to reserve all tapes in
8 evidence. That was the first date on
9 the 23rd there, the first day that I
10 got released.

11 Q. But you, yourself, have not
12 seen any videotapes?

13 A. No. No.

14 Q. Have you seen Detective Quinoy
15 since you were arrested?

16 A. I took a glance at him. I
17 basically saw him last time -- not last
18 time, the time before the last -- geez,
19 about two, three weeks ago when I went to
20 court, he was on duty. He was standing
21 outside.

22 Q. Did you have any conversation
23 with him at that time?

24 A. No. No.

25 Q. Have you had any conversation

1 M. GOMEZ 400

2 with Detective Quinoy whether in person or
3 over the telephone since you were arrested?

4 A. No.

5 Q. Do you know what the current
6 relationship is between your daughter Haydee
7 and Detective Quinoy?

8 A. Well, they're not speaking
9 anymore. As far as I'm concerned, my
10 daughter returned the keys that he had for
11 his other personal business. She return it
12 with -- as a matter of fact, my daughter
13 didn't give it to him. He called my cousin
14 -- I mean my cousin -- what am I talking
15 about, my niece, sorry.

16 Q. Is that Jenny --

17 A. Yes.

18 Q. -- or someone else?

19 A. To tell Haydee that he wanted
20 his keys back.

21 Q. When was that?

22 A. Going back about three and a
23 half months, four months ago. So, what
24 happened was my daughter was not present.
25 She didn't want to be there. She gave those

1 M. GOMEZ 401

2 keys to Jenny, and Jenny gave those keys to
3 Detective Quinoy and Detective Zekus was
4 there present.

5 Q. How do you the Detective Zekus
6 was present?

7 A. How do I know?

8 Q. Right. How do you know that
9 Detective Zekus was present when Jenny gave
10 the keys back?

11 A. Because she told me.

12 Q. Jenny told you?

13 A. Yes.

14 Q. Does she know Detective Zekus?

15 A. Yes, we know him. It's a small
16 village. It's a small town. I know him. I
17 went to school with his sister.

18 Q. Where does Jenny live?

19 A. In Valley Street, Sleepy
20 Hollow. I can't remember the number.

21 Q. If we left a blank in the
22 transcript, would you be able to fill in her
23 address?

24 A. Yes.

25 _____

1 M. GOMEZ 402

2 MS. SHERVEN: Okay, I have no
3 further questions at this time;
4 however, I'm going to call or request
5 that Counsel provide us with the
6 authorizations for all of the medical
7 records, specifically including
8 Phelps Memorial Hospital, Doctor
9 Carniciu, the neurologist, Doctor
10 Schwartz, and the physical therapy
11 center of Sleepy Hollow, and any MRI
12 or other testing results and of
13 course, any other medical providers
14 that I neglected to include.

15 I am also going to request an
16 authorization for Claimant's
17 insurance records, and copies of any
18 medical bills or other information
19 that reflects the amount of out-of-
20 pocket expenses, and also requesting
21 an authorization for the
22 non-privileged portions of the
23 criminal defense file.

24 I reserve the right to request
25 additional documents or information

1 M. GOMEZ 403

2 should anything else come to light.

3 (Time noted 1:54 p.m.)

4

5

6

MARIO GOMEZ

7

8 Subscribed and sworn to

9 before me this_____day

10 of_____, 2007.

11

12

13 Notary Public

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404

C E R T I F I C A T E

STATE OF NEW YORK)
)ss.:
COUNTY OF WESTCHESTER)

I, NANCY P. TENDY, a Shorthand
Reporter and Notary Public within and for
the State of New York, do hereby certify:

That MARIO GOMEZ, the witness
whose deposition is hereinbefore set forth,
was duly sworn by me, and that such
deposition is a true record of the testimony
given by the witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no
way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 13th day of April,
2007.

NANCY P. TENDY
SHORTHAND REPORTER

405

ERRATA SHEET

The following corrections, additions
or deletions were noted on the transcript of
the testimony which I gave in the
above-captioned matter held on 3/30/07:

Page____Line____SHOULD READ:_____

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MARIO GOMEZ

Subscribed and sworn to
before me this____day
of_____, 2007.

Notary Public

